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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."

ROBIN CARNAHAN

SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.mo.gov/adrules/pubsched.asp

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The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 11—Missouri Plant Law Quarantines

EMERGENCY RULE

2 CSR 70-11.060 Thousand Cankers Disease of Walnut Exterior Quarantine

PURPOSE: This rule prevents the introduction into Missouri of a newly described destructive pest complex known as Thousand Cankers Disease of Walnut, consisting of an insect pest, the Walnut Twig Beetle, ***Pityophthorus juglandis****, and a fungal pathogen,* ***Geosmithia morbida sp. nov****.*

EMERGENCY STATEMENT: The Department of Agriculture, Plant Industries Division, finds that this emergency rule is necessary to preserve a compelling governmental interest in preventing the introduction into Missouri of a destructive pest complex, Thousand Cankers Disease of Walnut, that is lethal to black walnut trees. Thousand Cankers Disease of Walnut (TCD) has recently been discovered to be causing mortality in Walnut (Juglans spp.) in at least eight (8) western states. It is particularly lethal to Black Walnut (Juglans nigra), which is of tremendous economic importance in Missouri. The Missouri Department of Conservation has estimated that TCD could cause over $36 million in statewide wood products losses annually, over $35 million in statewide nut production losses, and over $65 million in statewide urban street tree losses. Furthermore, this economic impact assessment estimated that over a twenty (20)-year span after introduction, TCD could cause over $851 million in economic losses to the state of Missouri. Missouri is the nation's leader in black walnut nut production and is home to the world's largest black walnut nut meat producer. Furthermore, Missouri is one (1) of the largest producers of black walnut wood products. Currently, TCD has not been found in the native range of black walnut, but if it spreads to this region, it will cause impactful, long-lasting economic, ecological, and sociological effects. Walnut is currently moving from known infested states to Missouri by multiple means, including forest products trade, nursery stock trade, wood crafter hobbyist exchange, research, and firewood movement due to an abundance of dead and dying walnut wood in western states. Furthermore, walnut mortality in western states, due to this pest complex, is on the rise. It is imperative for the protection of black walnut in its native range, and its related industries, to immediately suspend movement of walnut from infested areas. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the ***Missouri*** *and* ***United States Constitutions****. The Department of Agriculture, Plants Industries Division, believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 2, 2010, becomes effective April 12, 2010, and expires January 19, 2011.*

(1) It has been determined that Thousand Cankers Disease of Walnut, a lethal insect-fungal pathogen pest complex of walnut (*Juglans spp.*) has been detected in at least eight (8) western states (Arizona, California, Colorado, Idaho, New Mexico, Oregon, Utah, and Washington). The Walnut Twig Beetle is known from several western states and Mexico; however, the fungus is a newly described fungus with a proposed name of *Geosmithia morbida sp. nov*. Thousand Cankers Disease has not yet been found in Missouri or other states in the general native range of Black Walnut, but its introduction could cause an estimated $851 million in losses over a twenty (20)-year period to the state economy, as well as inestimable, long-term ecological and sociological impacts. As such, the state entomologist, under the authority of section 263.140, RSMo, of the Missouri Plant Law does now establish a quarantine to prevent the introduction of this pest complex into Missouri and now sets forth the name of this pest complex against which the quarantine is established, the quarantined area, the articles regulated, and the penalty.

(2) The following definitions shall apply to this quarantine:

(A) Bark means the natural bark of a tree, including the ingrown bark around the knots and bark pockets between rings of annual growth and an additional one-half (½)-inch of wood, including the vascular cambium;

(B) Compliance agreement is a written agreement between the state entomologist and a person or entity moving regulated articles from or through a quarantined area into Missouri;

(C) Firewood for the purposes of this quarantine shall be defined as wood, either split or unsplit, in sections less than four feet (4') in length;

(D) State entomologist refers to the Missouri Department of Agriculture Plant Pest Control Bureau Administrator; and

(E) State plant regulatory official refers to the National Plant Board member of the state of origin.

(3) The following is a list of articles, the movement of which is regulated:

(A) The Walnut Twig Beetle, *Pityophthorus juglandis*, in any living stage of development;

(B) The fungal pathogen *Geosmithia morbida sp. nov.*;

(C) Firewood of any non-coniferous (hardwood) species;

(D) All plants and plant parts of the genus *Juglans* including but not limited to nursery stock, budwood, scionwood, green lumber,

and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips. Specific exceptions are nuts, nut meats, hulls, processed lumber (one hundred percent (100%) bark-free, kiln-dried with squared edges), and finished wood products without bark, including walnut furniture, instruments, and gun stocks; and

(E) Any article, product, or means of conveyance when it is determined by the state entomologist to present the risk of spread of the Walnut Twig Beetle, *Pityophthorus juglandis*, or the fungal pathogen, *Geosmithia morbida sp. nov*.

(4) Regulated articles from the areas listed below are prohibited entry into Missouri under any circumstances.

(A) Arizona.

(B) California.

(C) Colorado.

(D) Idaho.

(E) Nevada.

(F) New Mexico.

(G) Oregon.

(H) Utah.

(I) Washington.

(J) Any other areas of the United States as determined by the state entomologist to have Thousand Cankers Disease of Walnut.

(5) The following are conditions of movement of regulated articles:

(A) All regulated articles are prohibited movement into or transiting through the state of Missouri;

(B) Articles listed in section (3) originating in an area not known to have Thousand Cankers Disease but transiting through an area known to have Thousand Cankers Disease will be considered to be regulated articles; and

(C) Regulated articles to be used for research purposes, at the discretion of the state entomologist, may move under a compliance agreement between the state entomologist and the Missouri recipient. At minimum, the compliance agreement shall require inspection of the regulated articles at the point of origin, a state phytosanitary certificate issued by the state plant regulatory official in the state of origin, and at least twenty-four (24) hours pre-shipment notification.

(6) Regulated articles transported in violation of this quarantine may be destroyed, or returned to the point of origin, at the discretion of the state entomologist. Common carriers or other carriers, persons, firms, or corporations who transport or move regulated articles in violation of this quarantine and these rules will be subject to the penalties named in section 263.180, RSMo, of the Missouri Plant Law.

(7) These rules are distinct from, and in addition to, any federal statute, regulation, or quarantine order addressing the interstate movement of articles from the known infested areas.

AUTHORITY: sections 263.040, 263.050, and 263.180, RSMo 2000. Emergency rule filed April 2, 2010, effective April 12, 2010, expires Jan. 19, 2011. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

EMERGENCY AMENDMENT

7 CSR 60-2.010 Definitions. The Missouri Highways and Transportation Commission is amending subparagraph (1)(A)30.B. and adding subparagraph (1)(A)30.C.

PURPOSE: This emergency amendment will amend the definition of "violations reset" to mirror the standards and specifications in 7 CSR 60-2.030 that outline when a violations reset message will occur.

EMERGENCY STATEMENT: This emergency amendment is necessary to eliminate an immediate danger to the public health, safety, and/or welfare created by the current description of when a violations reset message will occur. The current definition of "violations reset" in this rule is inconsistent with the description of when a violations reset message will occur in 7 CSR 60-2.030, and emergency amendments to both sections are necessary in order to ensure that all ignition interlock installers in the state utilize uniform standards for programming devices to display violations reset messages. As a result, the Missouri Highways and Transportation Commission (MHTC) finds an immediate danger to the public health, safety, and/or welfare and finds an emergency amendment is necessary to preserve a compelling governmental interest which requires emergency action.

History: *Alcohol is a significant contributing factor in Missouri's serious traffic crash experience. In Missouri, one (1) person is killed or injured in an alcohol-related traffic crash every one point seven (1.7) hours.*

In 2008, the Missouri General Assembly changed Missouri's ignition interlock laws by requiring proof of installation of an interlock device, with or without a court order, for any person who is found guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense or who is subject to a license suspension, revocation, or denial action as a result of a second or subsequent alcohol-related enforcement contact. That law took effect on July 1, 2009. To implement this requirement, the MHTC amended the administrative rules for Breath Alcohol Ignition Interlock Device Certification and Operational Requirements (7 CSR 60-2.010 through 7 CSR 60-2.060). During this same rulemaking, the MHTC made additional changes to the rules to update their provisions. These updates were effective December 30, 2009.

Recent Developments: *Late in December 2009, after the orders of rulemaking were filed amending 7 CSR 60-2.010 and 7 CSR 60-2.030, it was brought to the attention of the MHTC by ignition interlock device manufacturers that the changes made in the administrative rules for Breath Alcohol Ignition Interlock Device Certification and Operational Requirements created a gap, which allows offenders to repeatedly refuse requests for rolling retests before the offender reaches his or her destination. There is also inconsistency between the definition of "violations reset" in 7 CSR 60-2.010 and the description of when a violations reset message will occur in 7 CSR 60-2.030.*

Compelling Governmental Interest for this Emergency Amendment: *Currently, 7 CSR 60-2.010 and 7 CSR 60-2.030 have conflicting language describing when a violations reset will occur. The current language in 7 CSR 60-2.010(1)(A)30.B. allows for two (2) refusals before a violations reset message is activated, requiring the offender to report to a service center for data to be downloaded from the ignition interlock device and reported to the appropriate agencies. In addition, 7 CSR 60-2.010 does not include the violations reset feature when three (3) samples are above the alcohol setpoint. This emergency amendment is necessary to meet the compelling governmental interest that MHTC have ignition interlock rules that ensure that offenders who are required to use ignition interlock devices cannot circumvent the system by repeatedly refusing to provide a retest breath sample, thereby potentially arriving at his or her destination without providing a retest breath sample. Changes will also ensure that ignition interlock manufacturers and installers have clear and consistent guidelines when programming ignition interlock devices for use in Missouri. In addition, Missouri Department of Transportation (MoDOT) will file a proposed amendment to change section 7 CSR 60-2.030(1)(C)2. to reflect the same requirements.*

Ignition interlock manufacturers are required to submit quarterly reports to MHTC, and their quarterly reports demonstrate that some offenders using ignition interlock devices still drive after consuming

alcohol. During the fourth quarter of 2009 (October 1–December 31), there were approximately four thousand six hundred (4,600) ignition interlock devices in use, recording more than thirteen thousand five hundred (13,500) breath tests over the alcohol setpoint of twenty-five thousandths percent (0.025%). The number of ignition interlock breath test refusals is not captured separately in the quarterly reports; however, at MHTC's request for purposes of providing additional information relevant to this emergency amendment, five (5) of the six (6) authorized service providers in the state reported two thousand eight hundred sixty-two (2,862) breath test refusals that were recorded during operation of the vehicle. It is also important to note that breath test refusals are an issue in overall enforcement of impaired driving laws in the state. In fact, the Missouri Department of Revenue estimates that approximately one (1) out of every three (3) Alcohol Influence Reports (AIRs) received from law enforcement for impaired driving arrests is a breath alcohol concentration (BAC) refusal. People who commit impaired driving offenses and who refuse to provide evidential breath tests, as indicated on AIRs, are also likely to refuse a request for a breath test on the ignition interlock device.

Keeping impaired drivers off our roadways is a public safety concern and serves a compelling governmental interest. Once offenders realize there is no immediate consequence to refusing the rolling retest on the ignition interlock device, it is likely a similar number of rolling retest refusals will occur. The MHTC is not aware of any offenders having yet discovered this loophole, but if and when they do, there will be no incentive for offenders to take rolling retests when they are driving shorter distances. These offenders could take an initial breath test, then could consume alcohol and could drive to their destination without providing any retest breath samples. It is necessary to close this rolling retest loophole immediately in order to prevent offenders from continuing to operate their vehicles while refusing rolling retests. The emergency amendment will help prevent accidents caused by these drivers.

In the last three (3) years, eight hundred twenty-four (824) people were killed and three thousand eight hundred eighty-nine (3,889) people received disabling injuries in traffic crashes involving impaired drivers. Ignition interlock devices have been proven in this and other jurisdictions to be an effective means to prevent offenders from driving their vehicles while under the influence of alcohol, thereby greatly reducing the potential for traffic crashes caused by repeat alcohol offenders. The use of ignition interlock devices ensures the safety of the motoring public by monitoring repeat driving while intoxicated (DWI) offenders when their driving privileges are reinstated or while they are driving on a limited or restricted driving privilege.

***Proposed Permanent Amended Rule Filed:** Also, the MHTC is filing a proposed permanent amended administrative rule regarding this same subject with the secretary of state's office and the Joint Committee on Administrative Rules, which will appear in the May 17, 2010, **Missouri Register** but is not intended to become effective until November 30, 2010.*

*Because of the lengthy delay in the effective date of the proposed permanent amended administrative rule and the risk to public safety during that period, an emergency amendment is being filed which is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. It is limited to amending the definition of violations reset to mirror the standards and specifications in 7 CSR 60-2.030.*

***Fairness to All Interested Parties and Support from Industry:** MHTC believes this emergency amendment is fair to all interested persons and parties under the circumstances. On January 22, 2010, Missouri Department of Transportation staff met with ignition interlock manufacturers and distributors, Missouri Department of Revenue, and other interested parties as this was the earliest available date for manufacturers and distributors, many of whom are located out of state, to meet in person. The group discussed the current rule and the proposed amendments. All comments received were considered when preparing the proposed emergency and permanent amended rules.*

***Effective Date and Duration:** MHTC filed this emergency amendment on April 8, 2010, which becomes effective on April 18, 2010, and will expire on November 30, 2010.*

(1) Definitions.

(A) The following words and terms as used in these requirements shall have the following meaning:

1. Alcohol retest setpoint—The breath alcohol concentration at which the ignition interlock device is set to lock the ignition for the rolling retest;

2. Alcohol setpoint—The breath alcohol concentration at which the ignition interlock device is set to lock the ignition. The alcohol setpoint is the nominal lock point at which the ignition interlock device is set at the time of calibration;

3. Alveolar air—Deep lung air or alveolar breath, which is the last portion of a prolonged, uninterrupted exhalation;

4. Authorized service provider—A person, company, or authorized franchise who is certified by the state of Missouri to provide breath alcohol ignition interlock devices under sections 577.600–577.614, RSMo;

5. Bogus breath sample—Any gas sample other than an unaltered, undiluted, and unfiltered alveolar air sample from a driver;

6. Breath alcohol concentration (BAC)—The number of grams of alcohol (% weight/volume) per two hundred ten (210) liters of breath;

7. Breath alcohol ignition interlock device (BAIID)—A mechanical unit that is installed in a vehicle which requires the taking of a BAC test prior to the starting of the vehicle and at periodic intervals after the engine has been started. If the unit detects a BAC test result below the alcohol setpoint, the unit will allow the vehicle's ignition switch to start the engine. If the unit detects a BAC test result at or above the alcohol setpoint, the vehicle will be prohibited from starting;

8. Breath sample—Expired human breath containing primarily alveolar air;

9. Calibration—The process which ensures an accurate alcohol concentration reading on a device;

10. Circumvention—An unauthorized, intentional, or overt act or attempt to start, drive, or operate a vehicle equipped with a breath alcohol ignition interlock device without the driver of the vehicle providing a pure breath sample;

11. Device—Breath alcohol ignition interlock device (BAIID);

12. Download—The transfer of information from the interlock device's memory onto disk or other electronic or digital transfer protocol;

13. Emergency service—Unforeseen circumstances in the use and/or operation of a breath alcohol ignition interlock device, not covered by training or otherwise documented, which requires immediate action;

14. Filtered breath sample—A breath sample which has been filtered through a substance in an attempt to remove alcohol from the sample;

15. Independent laboratory—A laboratory which is properly equipped and staffed to conduct laboratory tests on ignition interlock devices;

16. Initial breath test—A breath test required to start a vehicle to ensure that the driver's BAC is below the alcohol setpoint;

17. Installation—Mechanical placement and electrical connection of a breath alcohol ignition interlock device in a vehicle by installers;

18. Installer—A dealer, distributor, supplier, individual, or service center who provides device calibration, installation, and other related activities as required by the authorized service provider;

19. Lockout—The ability of the device to prevent a vehicle's engine from starting unless it is serviced or recalibrated;

20. NHTSA—Federal agency known as the National Highway Traffic Safety Administration;

21. Operator—Any person who operates a vehicle that has a court-ordered or Department of Revenue required breath alcohol ignition interlock device installed;

22. Permanent lockout—A feature of a device in which a vehicle will not start until the device is reset by a device installer;

23. Pure breath sample—Expired human breath containing primarily alveolar air and having a breath alcohol concentration below the alcohol setpoint of twenty-five thousandths (.025);

24. Reinstallation—Replacing a breath alcohol ignition interlock device in a vehicle by an installer after it has been removed for service;

25. Retest—Two (2) additional chances to provide a breath sample below the alcohol setpoint when the first sample failed; or three (3) chances to provide a breath alcohol sample below the alcohol setpoint on the rolling retest;

26. Rolling retest—A subsequent breath test that must be conducted five (5) minutes after starting the vehicle and randomly during each subsequent thirty (30)-minute time period thereafter while the vehicle is in operation;

27. Service lockout—A feature of the breath alcohol ignition interlock device which will not allow a breath test and will not allow the vehicle to start until the device is serviced and recalibrated as required;

28. Tampering—An overt, purposeful attempt to physically alter or disable an ignition interlock device, or disconnect it from its power source, or remove, alter, or deface physical anti-tampering measures, so a driver can start the vehicle without taking and passing an initial breath test;

29. Temporary lockout—A feature of the device which will not allow the vehicle to start for fifteen (15) minutes after three (3) failed attempts to blow a pure breath sample; and

30. Violations reset—A feature of a device in which a service reminder is activated due to one (1) of the following reasons:

A. Two (2) fifteen (15)-minute temporary lockouts within a thirty (30)-day period; *[or]*

B. Any *[two (2)]* **three (3)** refusals to provide a retest sample within a thirty (30)-day period*[.]*; **or**

C. Any three (3) breath samples above the alcohol setpoint within a thirty (30)-day period.

AUTHORITY: sections 577.600–577.614, RSMo 2000 and RSMo Supp. [2008] 2009 and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.010. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.010, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Emergency amendment filed April 8, 2010, effective April 18, 2010, expires Nov. 30, 2010. A proposed amendment covering this same material is published in this issue of the ***Missouri Register****.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

EMERGENCY AMENDMENT

7 CSR 60-2.030 Standards and Specifications. The Missouri Highways and Transportation Commission is amending paragraph (1)(C)2.

PURPOSE: This emergency amendment will require an ignition interlock device to be programmed to include a violations reset message when the device registers three (3) refusals to submit to a rolling retest of the person's breath within a thirty (30)-day period.

EMERGENCY STATEMENT: This emergency amendment is necessary to eliminate an immediate danger to the public health, safety, and/or welfare created by the current description of when a violations reset message will occur. Under the rule as currently drafted, a violations reset message, which requires the operator to return the ignition interlock device to the installer for servicing, will only occur after three (3) consecutive refusals by the driver to provide a retest sample. The inadvertent inclusion of the word "consecutive" in the rule allows operators to repeatedly refuse rolling retest requests and to continue to operate the vehicle without being required to return the device to the installer for servicing. As a result, the Missouri Highways and Transportation Commission (MHTC) finds an immediate danger to the public health, safety, and/or welfare and finds an emergency amendment is necessary to preserve a compelling governmental interest which requires emergency action.

History: *Alcohol is a significant contributing factor in Missouri's serious traffic crash experience. In Missouri, one (1) person is killed or injured in an alcohol-related traffic crash every one point seven (1.7) hours.*

In 2008, the Missouri General Assembly changed Missouri's ignition interlock laws by requiring proof of installation of an interlock device, with or without a court order, for any person who is found guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense or who is subject to a license suspension, revocation, or denial action as a result of a second or subsequent alcohol-related enforcement contact. That law took effect on July 1, 2009. To implement this requirement, the MHTC amended the administrative rules for Breath Alcohol Ignition Interlock Device Certification and Operational Requirements (7 CSR 60-2.010 through 7 CSR 60-2.060). During this same rulemaking, the MHTC made additional changes to the rules to update their provisions. These updates were effective December 30, 2009.

Recent Developments: *Late in December 2009, after the orders of rulemaking were filed amending 7 CSR 60-2.010 and 7 CSR 60-2.030, it was brought to the attention of the MHTC that the changes made in the administrative rules for Breath Alcohol Ignition Interlock Device Certification and Operational Requirements created a gap which allows offenders to repeatedly refuse requests for rolling retests before the offender reaches his or her destination. There is also inconsistency between the definition of "violations reset" in 7 CSR 60-2.010 and the description of when a violations reset message will occur in 7 CSR 60-2.030. The violations reset language in 7 CSR 60-2.030 requires three (3) consecutive refusals by the driver to provide a retest sample before the violations reset message will occur. The word "consecutive" should not be included in the rule, because this could allow drivers with interlock devices installed in their vehicles to operate their vehicles without providing retest breath samples and without requiring the drivers to return the vehicle to the installer for servicing.*

Compelling Governmental Interest for this Emergency Amendment: *Currently, 7 CSR 60-2.010 and 7 CSR 60-2.030 have conflicting language describing when a violations reset will occur. This emergency amendment is necessary to meet the compelling governmental interest that MHTC have ignition interlock rules that strictly enforce the statute without any conflicting language allowing consecutive refusals. The current language in 7 CSR 60-2.030(1)(C)2. allows for three (3) consecutive refusals before a violations reset message is activated, requiring the offender to report to a service center for data to be downloaded from the ignition interlock device and reported to the appropriate agencies. Requiring three (3) consecutive refusals will allow a person to travel for approximately sixty-five (65) minutes and to refuse each of the requests for a retest breath sample. The use of the word "consecutive" inadvertently created a loophole in the current program, and offenders could potentially refuse a retest breath sample each time they operate their vehicles, thereby allowing the offenders to arrive at their destinations without providing a retest breath sample. This amendment will omit the word "consecutive" and will clarify that if three (3) refusals of retest breath samples occur within a thirty (30)-day period, a violations reset message will occur. In addition, Missouri Department of Transportation (MoDOT) will*

file a proposed amendment to change subparagraph 7 CSR 60-2.010(1)(A)30.B. to reflect the same requirements.

Ignition interlock manufacturers are required to submit quarterly reports to MHTC, and their quarterly reports demonstrate that some offenders using ignition interlock devices still drive after consuming alcohol. During the fourth quarter of 2009 (October 1–December 31), there were approximately four thousand six hundred (4,600) ignition interlock devices in use, recording more than thirteen thousand five hundred (13,500) breath tests over the alcohol setpoint of twenty-five thousandths percent (0.025%). The number of ignition interlock breath test refusals is not captured separately in the quarterly reports; however, at MHTC's request for purposes of providing additional information relevant to this emergency amendment, five (5) of the six (6) authorized service providers in the state reported two thousand eight hundred sixty-two (2,862) breath test refusals that were recorded during operation of the vehicle. It is also important to note that breath test refusals are an issue in overall enforcement of impaired driving laws in the state. In fact, the Missouri Department of Revenue estimates that approximately one (1) out of every three (3) Alcohol Influence Reports (AIRs) received from law enforcement for impaired driving arrests is a breath alcohol concentration (BAC) refusal. People who commit impaired driving offenses and who refuse to provide evidential breath tests, as indicated on AIRs, are also likely to refuse a request for a breath test on the ignition interlock device.

Keeping impaired drivers off our roadways is a public safety concern and serves a compelling governmental interest. Once offenders realize there is no immediate consequence to refusing the rolling retest on the ignition interlock device, it is likely a similar number of rolling retest refusals will occur. The MHTC is not aware of any offenders having yet discovered this loophole, but if and when they do, there will be no incentive for offenders to take rolling retests when they are driving shorter distances. These offenders could take an initial breath test, then could consume alcohol and could drive to their destination without providing any retest breath samples. It is necessary to close this rolling retest loophole immediately in order to prevent offenders from continuing to operate their vehicles while refusing rolling retests. The emergency amendment will help prevent accidents caused by these drivers.

In the last three (3) years, eight hundred twenty-four (824) people were killed and three thousand eight hundred eighty-nine (3,889) people received disabling injuries in traffic crashes involving impaired drivers. Ignition interlock devices have been proven in this and other jurisdictions to be an effective means to prevent offenders from driving their vehicles while under the influence of alcohol, thereby greatly reducing the potential for traffic crashes caused by repeat alcohol offenders. The use of ignition interlock devices ensures the safety of the motoring public by monitoring repeat driving while intoxicated (DWI) offenders when their driving privileges are reinstated or while they are driving on a limited or restricted driving privilege.

***Proposed Permanent Amended Rule Filed:** Also, the MHTC is filing a proposed permanent amended administrative rule regarding this same subject with the secretary of state's office and the Joint Committee on Administrative Rules, which will appear in the May 17, 2010, **Missouri Register** but is not intended to become effective until November 30, 2010.*

*Because of the lengthy delay in the effective date of the proposed permanent amended administrative rule and the risk to public safety during that period, an emergency amendment is being filed which is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. It is limited to amending the standards and specifications for a violations reset.*

***Fairness to All Interested Parties and Support from Industry:** MHTC believes this emergency amendment is fair to all interested persons and parties under the circumstances. On January 22, 2010, Missouri Department of Transportation staff met with ignition interlock manufacturers and distributors, Missouri Department of Revenue, and other interested parties as this was the earliest available date for manufacturers and distributors, many of whom are located out of state, to meet in person. The group discussed the current rule and the proposed amendments. All comments received were considered when preparing the proposed emergency and permanent amended rules.*

***Effective Date and Duration:** MHTC filed this emergency amendment on April 8, 2010, which becomes effective on April 18, 2010, and will expire on November 30, 2010.*

(1) Standards and Specifications.

(C) A retest feature is required for all devices.

1. A device shall be programmed to require a rolling retest five (5) minutes after the start of the vehicle and randomly during each subsequent thirty (30)-minute time period thereafter as long as the vehicle is in operation.

2. Any breath sample above the alcohol retest setpoint of twenty-five thousandths (.025) or any failure to provide a retest sample within five (5) minutes shall activate the vehicle's horn or other installed alarm and/or cause the vehicle's emergency lights to flash until the engine is shut off by the operator. Three (3) breath samples above the alcohol setpoint or three (3) *[consecutive]* refusals by the driver to provide a retest sample **within a thirty (30)-day period** will result in a violations reset message.

3. The violations reset message shall instruct the operator to return the device to the installer for servicing within five (5) working days.

A. As the result of a reset message, the installer must download and calibrate the device.

B. The installer must report all violations to the court-ordered supervising authority within three (3) working days.

4. If the vehicle is not returned to the installer within five (5) working days, the device shall cause the vehicle to enter a permanent lockout condition.

*AUTHORITY: sections 577.600–577.614, RSMo 2000 and RSMo Supp. [2008] **2009** and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.030. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.030, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Emergency amendment filed April 8, 2010, effective April 18, 2010, expires Nov. 30, 2010. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

EMERGENCY RESCISSION

20 CSR 1140-30.010 Definitions. This rule established definitions for use in Chapter 20 CSR 1140-30 Mortgage Broker Rules.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in that the prior definitions did not pertain nor contain those definitions applicable to both mortgage brokers and mortgage loan originators now required by virtue of the passage of HB 382 in 2009. This rule is also being rescinded in order to bring Missouri into compliance with

Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

*EMERGENCY STATEMENT: This emergency rescission is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the **Federal Register**, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. The division believes an emergency rescission is necessary based on the above as well as to avoid potential inconsistencies that could result from having two (2) different sets of rules. Therefore, the division finds a compelling governmental interest which requires this emergency action. A proposed rescission, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rescission is limited to the conditions creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. As was noted earlier, in developing this emergency rescission, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rescission is fair to all interested persons and parties under the circumstances. This emergency rescission was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.*

*AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.010. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.010, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rescission covering this same material is published in this issue of the **Missouri Register**.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

EMERGENCY RESCISSION

20 CSR 1140-30.030 Licensing. This rule established guidelines for the licensing of mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators and remove section (6) in that section 443.837, RSMo, was repealed by HB 382, 2009. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

*EMERGENCY STATEMENT: This emergency rescission is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the **Federal Register**, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. The division believes an emergency rescission is necessary based on the above as well as to avoid potential inconsistencies that could result from having two (2) different sets of rules. Therefore, the division finds a compelling governmental interest which requires this emergency action. A proposed rescission, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rescission is limited to the conditions creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. As was noted earlier, in developing this emergency rescission, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rescission is fair to all interested persons and parties under the circumstances. This emergency rescission was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.*

*AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.030. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.030, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rescission covering this same material is published in this issue of the **Missouri Register**.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

EMERGENCY RESCISSION

20 CSR 1140-30.040 Operations and Supervision. This rule established operations and supervision guidelines concerning net worth, audit reports, escrow, change in business activities, change of ownership, bonding requirements, servicing, and full service offices.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter and to include guidelines for the licensing of mortgage loan originators. Furthermore, HB 382, 2009, did away with auditing and minimum net worth requirements and fundamentally changed the bonding requirements. Since the time the rule went into effect, section 339.600, RSMo, et seq., was repealed in 2004 by HB 985. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

*EMERGENCY STATEMENT: This emergency rescission is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. 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Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. The division believes an emergency rescission is necessary based on the above as well as to avoid potential inconsistencies that could result from having two (2) different sets of rules. Therefore, the division finds a compelling governmental interest which requires this emergency action. A proposed rescission, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rescission is limited to the conditions creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. As was noted earlier, in developing this emergency rescission, and in*

order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rescission is fair to all interested persons and parties under the circumstances. This emergency rescission was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.040. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.040, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rescission covering this same material is published in this issue of the ***Missouri Register****.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

EMERGENCY RESCISSION

20 CSR 1140-30.050 Annual Report of Mortgage Brokerage Activity and Mortgage Servicing Activity. This rule declared requirements for annual reports by mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, included additional and different annual reporting standards. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

EMERGENCY STATEMENT: This emergency rescission is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. 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Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the ***Federal Register****, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. 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Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage*

fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. The division believes an emergency rescission is necessary based on the above as well as to avoid potential inconsistencies that could result from having two (2) different sets of rules. Therefore, the division finds a compelling governmental interest which requires this emergency action. A proposed rescission, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency rescission is limited to the conditions creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. As was noted earlier, in developing this emergency rescission, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rescission is fair to all interested persons and parties under the circumstances. This emergency rescission was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.*

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.050. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.050, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rescission covering this same material is published in this issue of the ***Missouri Register****.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

EMERGENCY RESCISSION

20 CSR 1140-30.070 Advertising. This rule created general guidelines for advertising practices by mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, included sufficiently detailed provisions pertaining to advertising. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

EMERGENCY STATEMENT: This emergency rescission is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the ***Federal Register****, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed*

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AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.070. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.070, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rescission covering this same material is published in this issue of the ***Missouri Register****.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

EMERGENCY RESCISSION

20 CSR 1140-30.080 Loan Brokerage Practices. This rule established general practices guidelines for mortgage brokers in the areas of agreements and disclosures.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, either modified or included most of the provisions included in 20 CSR 1140-30.080. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

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Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

EMERGENCY RESCISSION

20 CSR 1140-30.090 Loan Application Practices. This rule stated the guidelines for the various loan application procedures of mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, either modified or included most of the provisions included in 20 CSR 1140-30.090. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

EMERGENCY STATEMENT: This emergency rescission is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri

Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the ***Federal Register****, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. The division believes an emergency rescission is necessary based on the above as well as to avoid potential inconsistencies that could result from having two (2) different sets of rules. Therefore, the division finds a compelling governmental interest which requires this emergency action. 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AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.090. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.090, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rescission covering this same material is published in this issue of the ***Missouri Register****.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

EMERGENCY RESCISSION

20 CSR 1140-30.100 General Practices. This rule established requirements for certain practices by mortgage brokers in the areas of notices to joint borrowers, changes in loans in process, use of unauthorized brokers or lenders, and the general requirement of good faith.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, either modified or included most of the provisions included in 20 CSR 1140-30.100. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

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Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

EMERGENCY RESCISSION

20 CSR 1140-30.110 Commitment and Closing Practices. This rule set standards for mortgage brokers' commitments and closings.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to

better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, either modified or included most of the provisions included in 20 CSR 1140-30.110. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

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The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. 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If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. The division believes an emergency rescission is necessary based on the above as well as to avoid potential inconsistencies that could result from having two (2) different sets of rules. Therefore, the division finds a compelling governmental interest which requires this emergency action. 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Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

EMERGENCY RESCISSION

20 CSR 1140-30.120 Exemption Guidelines. This rule set forth the guidelines for exemption from the licensing requirements for mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, eliminated most exemptions contained in the previous law. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

EMERGENCY STATEMENT: This emergency rescission is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. 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Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

EMERGENCY RULE

20 CSR 1140-30.200 Definitions

PURPOSE: This rule establishes definitions for use in Chapter 20 CSR 1140-30 Mortgage Broker and Originator Rules.

EMERGENCY STATEMENT: This emergency rule is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. 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Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the ***Federal Register****, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. Therefore, the division finds a compelling governmental interest which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the* ***Missouri Register****. The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. As was noted earlier, in developing this emergency rule, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association since last year. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division*

provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.

(1) The definitions in sections 443.701 to 443.893, RSMo, shall apply to these rules. In addition, the terms listed below shall have the following meanings:

(A) "Act," the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act;

(B) "Broker" shall have the same meaning as Residential Mortgage Loan Broker set forth in section 443.703.1(31), RSMo;

(C) "Control" means the power to, directly or indirectly, affect the voting interest of twenty-five percent (25%) or more of any class of the outstanding voting shares, or partnership interest or limited liability company interest, of a broker; and

(D) "First tier subsidiary" shall include any corporation or limited liability company which is majority owned and controlled by a federally-insured and regulated depository institution.

AUTHORITY: sections 443.703.2, 443.709, 443.711, 443.725, 443.843, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

EMERGENCY RULE

20 CSR 1140-30.210 Licensing of Mortgage Loan Originators

PURPOSE: This rule establishes guidelines for the licensing of mortgage loan originators.

EMERGENCY STATEMENT: This emergency rule is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), 2009, known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the ***Federal Register****, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage*

Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. Therefore, the division finds a compelling governmental interest which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. As was noted earlier, in developing this emergency rule, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association since last year. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.*

(1) Initial Licensing. Application for an initial Mortgage Loan Originator license shall be made within the procedures established by the Nationwide Mortgage Licensing System and Registry (NMLSR).

(2) Incomplete Applications. Failure to meet a request for additional information within ten (10) business days may result in denial of the application. A denial under such circumstances shall not affect subsequent applications filed with the appropriate fee.

(3) License Renewal and Expiration. Application for renewal shall be made within the procedures established by NMLSR. A renewal application not received by the division prior to December 1 of any year cannot be assured of issuance prior to January 1, at which time the license will be considered to be expired. Any license which is not renewed prior to December 31 may require the applicant to file a reinstatement application as provided for in these rules.

(A) The director may not renew a Mortgage Loan Originator license unless all required fees, administrative penalties owed to the director, and any refunds ordered by the director to be returned to consumers have been paid.

(4) Reinstatement of License. The license of a mortgage loan originator that expires for failure to satisfy the minimum standards for renewal or does not allow for sufficient lead time for review and processing of an application may be reinstated if the licensee meets the following requirements:

(A) The licensee must submit a request for reinstatement through the NMLSR;

(B) All continuing education courses and any other requirements for the license renewal for the year in which the license expired must be completed; and

(C) The licensee must pay the applicable licensing, reinstatement, and late fees/penalties.

1. If the mortgage loan originator whose license has expired fails to meet the requirements for reinstatement specified in this section and submits a reinstatement filing within the parameters established by NMSLR, the mortgage loan originator must apply for a new license and meet the requirements for licensure in effect at that time.

2. The director may waive any late filing penalty or fee for a licensed mortgage loan originator on active military duty serving outside of Missouri.

(5) Fees.

(A) Initial and renewal applications shall be made through the NMLSR and shall be accompanied by the applicable fee, which shall be set by the director from time-to-time, not to exceed two hundred fifty dollars ($250). Said fees are not refundable.

(B) For each duplicate original license issued, the director shall collect a duplicate original license fee not to exceed one hundred fifty dollars ($150).

(C) For each amended license issued, the director shall collect an amended original license fee not to exceed one hundred fifty dollars ($150).

(D) A late fee, not to exceed one hundred fifty dollars ($150), may be assessed to any mortgage loan originator who fails to submit a renewal application by December 31 of each year.

AUTHORITY: sections 443.709, 443.711, 443.725, 443.843, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

EMERGENCY RULE

20 CSR 1140-30.220 Self-Reporting Requirements

PURPOSE: This rule establishes self-reporting requirements for mortgage loan originators, brokers, or any of a broker's directors, principal stockholders, members, partners, or individuals who influence management.

EMERGENCY STATEMENT: This emergency rule is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), 2009, known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking,

staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the ***Federal Register****, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. Therefore, the division finds a compelling governmental interest which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the* ***Missouri Register****. The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. As was noted earlier, in developing this emergency rule, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association since last year. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.*

(1) A mortgage loan originator, broker, or any of a broker's directors, principal stockholders, members, partners, or individuals who influence management (hereinafter collectively referred to as "licensee" for the purpose of this rule) shall notify the director in writing within five (5) days of the occurrence of any of the following events:

(A) Licensee files for bankruptcy protection or is subjected to an involuntary bankruptcy proceeding;

(B) Institution by any state or other jurisdiction of a license denial, cease and desist, suspension or revocation procedure, or other formal or informal regulatory action against a licensee;

(C) Institution of an action by the Missouri Attorney General or other enforcer of the consumer protection laws of any jurisdiction to enforce consumer protection laws against a licensee;

(D) Having a license suspended, terminated, or otherwise prohibited from participating in a federal or state program;

(E) Licensee is suspended, terminated, or otherwise prohibited as an approved lender or seller/servicer by the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Government National Mortgage Association, Department of Housing and Urban Development, Department of Veterans Affairs, or any other federal or state agency or program;

(F) The entry of a judgment against a licensee;

(G) A licensee is convicted of or enters a plea of guilty or *nolo contendere* to a felony or misdemeanor, excluding traffic violations, in a domestic, foreign, or military court. For the purposes of this requirement, a licensee need not report traffic or driving violations to the director so long as said violations are not felonies;

(H) The entry of a tax or other government lien upon the property of a licensee; or

(I) Revocation or suspension of a licensee's professional or business license by any state or jurisdiction. An agreement to surrender a license and/or not to operate in an occupation in which a professional license is required shall be considered a revocation for the purposes of this rule.

AUTHORITY: sections 443.869 and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

EMERGENCY RULE

20 CSR 1140-30.230 Challenges to Information Submitted to NMLSR

PURPOSE: This rule establishes the procedures by which a mortgage loan originator can challenge information submitted by the director to the Nationwide Mortgage Licensing System and Registry.

*EMERGENCY STATEMENT: This emergency rule is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. 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The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. As was noted earlier, in developing this emergency rule, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association since last year. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. 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(1) A mortgage loan originator may challenge the accuracy of information entered by the director to the Nationwide Mortgage Licensing System and Registry (NMLSR) regarding the mortgage loan originator by filing a written appeal with the director. The appeal shall specify what information is alleged to be in error and the basis of said belief. The appeal shall also include any documentation believed to support the mortgage loan originator's claim. The director shall review the appeal and notify the mortgage loan originator of the director's decision within thirty (30) days of receipt of the appeal, which shall represent the director's final decision.

AUTHORITY: sections 443.727, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010,

*expires Jan. 26, 2011. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

EMERGENCY RULE

20 CSR 1140-30.240 Operations and Supervision of Residential Mortgage Loan Brokers

PURPOSE: This rule establishes procedures and guidelines for the licensing of residential mortgage loan brokers and the fees associated therewith.

*EMERGENCY STATEMENT: This emergency rule is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), 2009, known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the **Federal Register**, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. Therefore, the division finds a compelling governmental interest which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. As was noted earlier, in developing this emergency rule, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association since last year. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.*

(1) Initial Licensing. Applications for an initial broker's license shall

be in a form prescribed by the director and shall include a nonrefundable license investigation fee which shall be set by the director from time-to-time, not to exceed one thousand five hundred dollars ($1,500).

(A) Failure to meet a request for additional information within ten (10) business days may result in denial of the application. A denial under such circumstances shall not affect subsequent applications filed with the appropriate investigation fee.

(B) Upon approval of an initial broker's license, the director shall collect a nonrefundable license fee, which shall be set by the director from time-to-time, not to exceed one thousand five hundred dollars ($1,500). The license fee shall cover the licensing of the broker's main office in Missouri. Additional licensing fees for the establishment of branch locations will apply as provided for in these rules.

(2) Renewal Applications. Applications for renewal of a broker's license shall be in a form prescribed by the director and may require a nonrefundable license investigation fee which shall be set by the director from time-to-time, not to exceed one thousand five hundred dollars ($1,500). Such completed renewal application shall be received by the director at least sixty (60) days prior to such licensee's biennial renewal date. Upon approval of a biennial renewal of a broker's license, the director shall collect a nonrefundable renewal license fee, which shall be set from time-to-time by the director, not to exceed three thousand dollars ($3,000), one half (½) of which is to be paid upon issuance of the license, and the balance one (1) year thereafter. Failure by an existing licensee to submit a renewal application and any applicable investigation fees to the director at least sixty (60) days in advance of a licensee's biennial renewal date may not allow sufficient time for the director to process the licensee's renewal application and may result in the expiration of licensee's existing license.

(3) Fees. The director may assess the reasonable costs of an investigation incurred by the division that are outside the normal expense of any annual or special examination or any other costs incurred by the division as a result of a licensee's violation of sections 443.701 to 443.893, RSMo, or these rules.

(A) For each duplicate original license issued, the director shall collect a duplicate original license fee not to exceed one hundred fifty dollars ($150).

(B) For each amended license issued, the director shall collect an amended original license fee not to exceed one hundred fifty dollars ($150).

(C) For each notice of change of officers or directors or change of name or address, the director shall collect a fee not to exceed one hundred fifty dollars ($150). A broker must report any change in directors or principal officers within thirty (30) days to the director.

(D) Each licensee who intends to operate and maintain an additional full-service office shall file a Notice of Intent to Establish an Additional Full-Service Office on a form prescribed by the director, thirty (30) days prior to the proposed operation; the director shall collect a fee not to exceed one hundred fifty dollars ($150) at the time the notice is filed.

AUTHORITY: sections 443.821, 443.825, 443.827, 443.833, 443.839, 443.843, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

EMERGENCY RULE

20 CSR 1140-30.250 Change in Business Activities

PURPOSE: This rule establishes procedures and guidelines for mortgage loan brokers to follow in the event there is a change in their respective business activities and the fees and notice requirements associated therewith.

EMERGENCY STATEMENT: This emergency rule is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), 2009, known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the ***Federal Register****, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter*

of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. Therefore, the division finds a compelling governmental interest which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. As was noted earlier, in developing this emergency rule, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association since last year. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.*

(1) A broker shall return his/her license to the director within ten (10) days upon a licensee closing a full-service office or his/her decision to discontinue brokering, originating, or servicing.

(2) Prior to a change of ownership or control, a broker and/or a prospective purchaser shall submit an application on a form prescribed by the director, which shall be submitted with the applicable fee not to exceed one hundred fifty dollars ($150) at least forty-five (45) days prior to the proposed change. All proposed changes must be approved by the director. Failure to obtain the director's prior approval may result in administrative action against the broker's license.

(3) A broker shall file an Application for Change of Name or Address, with the applicable fee, ten (10) business days in advance, on a form prescribed by the director. The name change shall be approved unless deceptively similar to another name or is otherwise prohibited by law.

AUTHORITY: sections 443.843, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

EMERGENCY RULE

20 CSR 1140-30.260 Full-Service Office Requirement

PURPOSE: This rule establishes operations and supervision guidelines concerning the full in-state service office requirement.

EMERGENCY STATEMENT: This emergency rule is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), 2009, known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the ***Federal Register****, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also*

met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. Therefore, the division finds a compelling governmental interest which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. As was noted earlier, in developing this emergency rule, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association since last year. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.*

(1) Each broker shall maintain at least one (1) full-service office located in Missouri consistent with sections 443.703.1(12) and 443.857, RSMo. At a minimum, each Missouri office must be staffed by one (1) supervised licensed mortgage loan originator and such staff as is needed to efficiently administer the tasks mandated by section 443.703.1(12), RSMo. The office location shall have a street address and shall not be a post office box or similar designation and shall be the address where the director is to send all correspondence, official notices, and orders; the broker shall be responsible for keeping the director informed of any changes in said address. In determining whether a broker handles such matters in a reasonably adequate manner, the director may consider consumer complaints received regarding said broker, information obtained from examinations conducted by the division, and reports filed with the division. If it is determined that a broker is not in compliance with section 443.857, RSMo, the director shall notify the broker in writing detailing the requirements to achieve compliance, along with a reasonable deadline.

(A) Each full-service office shall also comply with any applicable local zoning ordinances and shall post any occupational licenses required by law or regulation.

AUTHORITY: sections 443.703.1(12), 443.857, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

EMERGENCY RULE

20 CSR 1140-30.270 Maintenance of Records

PURPOSE: This rule establishes guidelines for the maintenance of required records to be kept by residential mortgage loan brokers and the penalty for failure to do so.

EMERGENCY STATEMENT: This emergency rule is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), 2009, known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed

the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the ***Federal Register****, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. 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If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. 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The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. As was noted earlier, in developing this emergency rule, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association since last year. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.*

(1) Each broker shall maintain an application log and shall produce it for examination by the director. It shall contain at least the following concerning each residential mortgage loan application received during the previous thirty-six (36) months:

(A) Full name of all applicants;

(B) Date of application;

(C) Name of the mortgage loan originator responsible for the loan application whose name and Nationwide Mortgage Licensing System and Registry (NMLSR) unique identifier also appears on the application;

(D) Disposition of the mortgage loan application and date of disposition. The log shall indicate the result of the loan transaction. The disposition of the application shall be categorized as one (1) of the following: loan closed, loan denied, application withdrawn, application in process, or other explanation;

(E) Address of the property;

(F) Amount of the loan; and

(G) The terms of the loan and/or loan program.

(2) An application log shall be maintained at the broker's main Missouri office. The log shall be kept current. Records may be kept at a branch, but the broker's main Missouri office must have a current log updated no less frequently than every seven (7) days. The failure to enter said information to the log within seven (7) days from the date of the occurrence of the event required to be recorded in the log shall be deemed a failure to keep the log current.

(3) Failure to maintain an application log or to keep the log current may be grounds for suspension or revocation of the license or other appropriate administrative action and may subject the broker to fines authorized by the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.869 and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

EMERGENCY RULE

20 CSR 1140-30.280 Authorized Advance Fees and Escrow Requirements

PURPOSE: This rule establishes general practices and guidelines for residential mortgage loan brokers with regard to what advance fees may be collected and placement of said fees. This rule also sets forth guidelines for the collection and disbursement of rate-lock fees.

EMERGENCY STATEMENT: This emergency rule is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), 2009, known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the ***Federal Register****, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. Therefore, the division finds a compelling governmental interest which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the* ***Missouri Register****. The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. As was noted earlier, in developing this emergency rule, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association since last year. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.*

(1) A broker shall not require a borrower to pay any fees or charges prior to the loan closing, except for—

(A) The actual and necessary charges of third parties needed to process the application, which shall be administered pursuant to this

rule; and

(B) A rate-lock fee, provided that the written rate-lock fee agreement signed by both the borrower and the proposed lender includes the following terms:

1. The expiration date of the fee agreement;
2. The amount of the loan;
3. The maximum interest rate and maximum discount (points);
4. The term of the loan;
5. The lender is able to perform under the terms of the fee agreement; and
6. Subject to verification, the information submitted by the borrower indicates that the loan will be approved in accordance with the fee agreement.

(2) Refunds on Failure to Close. The rate-lock fee must be refunded if the loan does not close in accordance with the fee agreement, except that the fee may be retained upon the lender's ability to demonstrate to the director any of the following reasons: the borrower withdrew the loan application; made a material misrepresentation on the loan application; or failed to provide documentation necessary to the processing or closing of the loan, such documents having been timely requested. When the fee is to be retained, the lender shall send a written notice to the borrower stating the reason for retaining the fee.

(3) Brokers Failure to Close. If a residential mortgage loan is not closed through no fault of the applicant, all the charges shall be refunded to the borrower, except to the extent such charges were incurred in good faith by the lender on behalf of the borrower for third-party services.

(4) Nothing in these rules shall be construed as to allow a broker, that is not a lender, to charge a fee for a rate-lock agreement or otherwise enter into a rate-lock agreement.

(5) Escrow. Brokers, not subject to the Department of Housing and Urban Development escrow regulations, who receive funds that are to be used for actual and necessary third-party expenses needed to process the application shall place said funds with one (1) of the following no later than five (5) days after receipt:

(A) A title insurer, title agency, or title agent not affiliated with a title agency that is authorized to act as an escrow, security, settlement, or closing agent pursuant to Chapter 381, RSMo;

(B) An unaffiliated depository institution as defined in section 443.703.1(5), RSMo, or first-tier subsidiary or service corporation thereof that is acting as an escrow agent as defined by section 443.703.1(9), RSMo; or

(C) A licensed attorney.

AUTHORITY: sections 443.865, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

EMERGENCY RULE

20 CSR 1140-30.290 In-State Office Waiver For Servicers

PURPOSE: This rule establishes the procedures and qualifications needed for servicers to obtain a waiver for the full in-state service office requirement.

EMERGENCY STATEMENT: This emergency rule is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), 2009, known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the ***Federal Register****, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and*

*approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. Therefore, the division finds a compelling governmental interest which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. As was noted earlier, in developing this emergency rule, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association since last year. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.*

(1) Procedures to Obtain Waiver. Prior to the issuance of a waiver pursuant to section 443.812.5, RSMo, of the requirement of maintaining a full-service office in Missouri, an applicant shall obtain a certificate of authority from the Missouri secretary of state. Furthermore, an applicant shall file with the license application an irrevocable consent in a form to be determined by the director, duly acknowledged, that provides suits and actions that may be commenced against the applicant in the courts of this state, and, should it be necessary to bring an action against the applicant, applicant agrees that venue shall lie in Cole County, Missouri.

(2) Qualifications for Waiver. For the purposes of determining if a loan servicer qualifies for the waiver set forth in section 443.812.5, RSMo, the term "primarily engaged in servicing residential mortgage loans" shall be defined as a residential loan servicer that derives seventy-five percent (75%) or more of its gross income from Missouri from residential loan servicing.

*AUTHORITY: sections 443.812.5, 443.857, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

EMERGENCY RULE

20 CSR 1140-30.300 Annual Report

PURPOSE: This rule establishes procedures and requirements for residential mortgage loan brokers to follow in submitting their annual reports to the director.

*EMERGENCY STATEMENT: This emergency rule is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), 2009, known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the **Federal Register**, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain*

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(1) Filing Requirements. By March 1 of each year, each broker must file an Annual Report of Residential Mortgage Loan Broker Activity that contains the information mandated by section 443.885, RSMo. If any category(ies) requested has nothing to report, then the proper response is "none."

(A) The Annual Report of Residential Mortgage Loan Broker Activity shall include the names of the mortgage loan originators and the dollar amount originated by each individual. It shall also include the dollar amount of the loans and with whom the broker had mortgage brokerage agreements including the aggregate dollar amount of loans brokered, funded, and serviced in the state of Missouri for the previous year. Each broker that reports any default or foreclosure shall also furnish the name of the lender who originated the loan.

(B) Brokers that file a Home Mortgage Disclosure Act Report may file a copy thereof in lieu of the report described herein.

(C) Each annual report shall be accompanied by an affidavit, attesting to truthfulness of the information contained therein.

*AUTHORITY: sections 443.869, 443.885, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

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Chapter 30—Mortgage Broker and Originator Rules

EMERGENCY RULE

20 CSR 1140-30.310 Bonding Requirements

PURPOSE: This rule establishes bonding procedures and requirements for residential mortgage loan brokers to follow.

EMERGENCY STATEMENT: This emergency rule is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), 2009, known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and

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(1) Annual Review and Initial Schedule. The principal amount of the surety bond shall be determined annually by the information contained in the broker's Annual Report of Residential Mortgage Loan Broker Activity and shall be based on the dollar amount of loans brokered, funded, and serviced in the state of Missouri for the previous year. In the event a broker brokers, funds, and services residential mortgage loans, or any combination thereof, the principal amount of the surety bond shall be based on the category that results in the highest bonding amount. The initial bonding schedule is as follows:

Dollar Amount of Loans Brokered/Funded/Serviced For Previous Year	Bond Amounts For Loans Brokered	Bond Amounts For Loans Funded	Bond Amounts For Loans Serviced
$7,500,000 or less	$50,000	$50,000	$50,000
$7,500,001–$15,000,000	$50,000	$100,000	$100,000
$15,000,001–$22,500,000	$75,000	$150,000	$150,000
$22,500,001–$30,000,000	$100,000	$200,000	$200,000
$30,000,001–$45,000,000	$150,000	$300,000	$300,000
$45,000,001–$60,000,000	$200,000	$400,000	$400,000
$60,000,001 or more	$250,000	$500,000	$500,000

(A) Any increased surety bond as required above shall be filed with the director on or before May 1. Failure to do so shall be grounds for summary suspension of a broker's license.

(B) Surety bonds provided to the director are deemed to be records of the division and will not be released or returned to licensees or to the entities by which they were issued.

AUTHORITY: sections 443.731, 443.849, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

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Chapter 30—Mortgage Broker and Originator Rules

EMERGENCY RULE

20 CSR 1140-30.320 Exempt List

PURPOSE: This rule establishes procedures and requirements for exempt companies to register with the director.

EMERGENCY STATEMENT: This emergency rule is necessary to protect a compelling governmental interest as the provisions related to the registration and licensing of mortgage loan originators are required for the state to comply with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act or Act). The Act was signed into law by President George Bush on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. The Act directed states to adopt a licensing and registration law for loan originators that met the minimum standards specified in the SAFE Act, within one (1) year of its signing. The legislation also provided that should a state fail 1) to adopt such a licensing system or 2) meet the minimum standards for licensing, the United States Department of Housing and Urban Development (HUD) would step in and do so. Prior to the passage of the SAFE Act, Missouri had not previously licensed mortgage loan originators, only non-exempt mortgage companies. In response to the passage of the SAFE Act, the Missouri Legislature passed HB 382 (codified at sections 443.701–443.893, RSMo), 2009, known as the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act. Governor Nixon signed the bill on July 8, 2009, and it went into effect upon signing based on the emergency clause included in the bill. During the weeks immediately following, division staff compiled informational packets on specific areas of potential regulation for the director and deputy director's review. These packets included laws and regulations of other states that had licensed mortgage loan originators prior to the SAFE Act, legal analysis, and staff recommendations. Once the division determined the specific areas to address through rulemaking, staff was directed to start drafting the language for the rules. In the interim, a meeting with the Missouri Association of Mortgage Brokers was scheduled for and held on August 18, 2009. Meetings with the Missouri Manufactured Housing Association and Missouri Mortgage Bankers Association followed on September 1, 2009, and October 6, 2009, respectively. During this time, numerous internal drafts were circulated within the division for review and comment. Division staff met with members of the Missouri Association of Mortgage Brokers on November 17, 2009, in St. Charles. On December 15, 2009, HUD published its proposed rules in the ***Federal Register****, which was reviewed by division staff in order to ensure its draft regulations were in line with the intent and terms of the SAFE Act. Throughout December, the division worked to finalize its internal draft. The division met with the Missouri Manufactured Housing Association again on January 6, 2010. Division staff also met with members of the Kansas City mortgage broker and mortgage banking industries on January 12 and 21, 2010, respectively. In late January, the division, as proscribed by section 443.816.1, RSMo, presented its rules to the Residential Mortgage Board (board) for its consideration. The board held a public meeting in Columbia, Missouri, on February 3, 2010, at which time the text of the rules were discussed and the board directed the division to make certain revisions to the rules. The changes were made, and copies of the rules were sent to the Missouri Manufactured Housing Association, Missouri Association of Mortgage Brokers, and the Missouri Mortgage Bankers Association. Thereafter, the division again met with the Missouri Association of Mortgage Brokers and Missouri Mortgage Bankers Association on February 10 and 25, 2010, respectively, to discuss the rules and topics of concern. The division believed that these industry groups had raised several meritorious points. Following both meetings, the division worked to incorporate these ideas into the latest draft of the rules for the board's consideration. On March 8, 2010, the division met with the St. Louis Chapter of the National Association of Mortgage Professionals for Women to discuss the rules and topics of concern. On March 10, 2010, the division held an open forum in Jefferson City for current and potential future Missouri licensees to discuss the rules and topics of concern. Once again, the division made additional changes to the rules. Lastly, the board met once again on March 30, 2010, and directed the division to make additional changes to the rules and*

approved the final version of the rules that were to be filed with the secretary of state. Section 443.706.2, RSMo, provides that all individual mortgage loan originators must be licensed by July 31, 2010. By enacting the following rules, Missouri will have provisions in place that meet the standards and time frames set forth in the SAFE Act. If the state does not enact the following rules, it will be considered out-of-compliance with federal requirements and may lose its authority to regulate mortgage loan originators. In such an event, HUD would then regulate mortgage loan originators in place of the state. The Division of Finance believes state-based regulation is preferable to federal regulation because strong consumer protections have long been embedded in the state-based regulatory structure. If the rules are not allowed to be filed on an emergency basis, the division is concerned that such failure: 1) would unduly expose Missourians to mortgage fraud, which was one (1) of the major contributing factors to the mortgage crisis; 2) will impede its ability to orderly transition mortgage loan originators seeking licensure in Missouri onto the national mortgage database and to meaningfully enforce the mandates bestowed upon it by the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act; and 3) risk HUD taking over the regulation and licensing of mortgage loan originators in Missouri. Therefore, the division finds a compelling governmental interest which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. As was noted earlier, in developing this emergency rule, and in order to assure fairness to all interested persons and parties under the circumstances, the division, prior to and contemporaneous with the drafting of the proposed rules, has met and been in contact with members and representatives of the Missouri Association of Mortgage Brokers, the Missouri Mortgage Bankers Association, and the Missouri Manufactured Housing Association since last year. The division believes these associations are the largest representatives for the mortgage industry in Missouri. Furthermore, the division provided the associations' representatives with a copy of the proposed rules in February for their review and comment. The division also provided an advance copy of the proposed rules to Beyond Housing, which is a provider of housing and support services for low-income families and homeowners in the St. Louis area. Since that time, the division has received numerous comments, questions, and suggestions, some of which have been incorporated into the proposed rules filed herewith. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 5, 2010, becomes effective April 18, 2010, and expires January 26, 2011.*

(1) Registration. The director requests that all exempt entities file a letter disclosing exempt status and the reason therefore at the Division of Finance, Residential Mortgage Section, PO Box 716, Jefferson City, MO 65102. There shall be no fee for said filing.

AUTHORITY: sections 443.869 and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2009.

EXECUTIVE ORDER
10-20

WHEREAS, the American Civil War was an event of international importance from 1861 to 1865, affecting all aspects of life in Missouri during that period; and

WHEREAS, Missouri experienced firsthand some of the most widespread, prolonged, and destructive fighting of the Civil War, with more than 1,162 engagements fought on her soil, some 160,000 Missourians fighting on both sides, and an average of 122 residents lost for every county in the State; and

WHEREAS, Missouri's role as a slave state and the lasting legacy of the Civil War continue to influence and shape our state in many ways; and

WHEREAS, from 2011 through 2015, our nation will acknowledge the 150th anniversary of the Civil War; and

WHEREAS, the Sesquicentennial of the Civil War presents a significant opportunity for Missourians to advance our understanding of our complex past; to commemorate important events that occurred in Missouri during the Civil War; and to reflect on its lasting impact on our citizens, our culture, and our landscapes.

NOW THEREFORE, I, Jeremiah W. (Jay) Nixon, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby establish and constitute the Missouri Civil War Sesquicentennial Commission, as follows:

The composition of the Commission shall be: the Governor or his designee; the Secretary of State or her designee; the directors or their designees of the Department of Natural Resources, the Division of Tourism, the Department of Elementary and Secondary Education, the Department of Transportation, and the Missouri National Guard; the director or his designee of the State Historical Society of Missouri; ten persons appointed by the Governor, including, without limitation, educators, historians, and laypersons with a demonstrated interest in and knowledge of the Civil War in Missouri and representatives of the hospitality and tourism industry; and such additional members as the Governor may from time to time appoint. To the extent practicable, members shall be representative of the demographic composition of the state. The Governor will designate two members of the Commission as co-chairs.

The Commission's purpose is to increase awareness and understanding of Missouri's role in the Civil War; to encourage civic, historical, educational, economic, and other entities throughout Missouri to organize and participate in activities to commemorate the Sesquicentennial of the Civil War; and to foster an inclusive spirit of reconciliation that appropriately recognizes the experiences and points of view of all people affected by the Civil War and its aftermath.

The Commission will recommend to the Governor and the citizens of Missouri effective means and activities by which to observe the Sesquicentennial of the Civil War in Missouri.

The Commission will promote public awareness of the historical significance of Missouri in the Civil War, as well as cultural tourism in and around the state of Missouri in relation to the Civil War and its legacies.

The Commission will serve as the official liaison between federal agencies, other states, and public and private Sesquicentennial committees to coordinate and plan activities that foster recognition and understanding of the Civil War in Missouri.

Members of the Commission shall serve without compensation, except for reimbursement for reasonable and necessary expenses incurred in the discharge of their duties in accordance with the rules and regulations of the Office of Administration, to the extent that funds are available for such purpose. Staff assistance for the Commission shall be provided by the Department of Natural Resources.

The Commission will report to the Governor in December of each year, until expiration of the Commission on December 31, 2015.

Executive Order 08-09 is hereby superseded and replaced by this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 2nd day of April, 2010.

Jeremiah W. (Jay) Nixon
Governor

ATTEST:

Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 11—Missouri Plant Law Quarantines

PROPOSED RULE

2 CSR 70-11.060 Thousand Cankers Disease of Walnut Exterior Quarantine

PURPOSE: This rule prevents the introduction into Missouri of a newly described destructive pest complex known as Thousand Cankers Disease of Walnut, consisting of an insect pest, the Walnut Twig Beetle, ***Pityophthorus juglandis****, and a fungal pathogen,* ***Geosmithia morbida sp. nov****.*

(1) It has been determined that Thousand Cankers Disease of Walnut, a lethal insect-fungal pathogen pest complex of walnut (*Juglans spp.*) has been detected in at least eight (8) western states (Arizona, California, Colorado, Idaho, New Mexico, Oregon, Utah, and Washington). The Walnut Twig Beetle is known from several western states and Mexico; however, the fungus is a newly described fungus with a proposed name of *Geosmithia morbida sp. nov*. Thousand Cankers Disease has not yet been found in Missouri or other states in the general native range of Black Walnut, but its introduction could cause an estimated $851 million in losses over a twenty (20)-year period to the state economy, as well as inestimable, long-term ecological and sociological impacts. As such, the state entomologist, under the authority of section 263.140, RSMo, of the Missouri Plant Law does now establish a quarantine to prevent the introduction of this pest complex into Missouri and now sets forth the name of this pest complex against which the quarantine is established, the quarantined area, the articles regulated, and the penalty.

(2) The following definitions shall apply to this quarantine:

(A) Bark means the natural bark of a tree, including the ingrown bark around the knots and bark pockets between rings of annual growth and an additional one-half (½)-inch of wood, including the vascular cambium;

(B) Compliance agreement is a written agreement between the state entomologist and a person or entity moving regulated articles from or through a quarantined area into Missouri;

(C) Firewood for the purposes of this quarantine shall be defined as wood, either split or unsplit, in sections less than four feet (4') in length;

(D) State entomologist refers to the Missouri Department of Agriculture Plant Pest Control Bureau Administrator; and

(E) State plant regulatory official refers to the National Plant Board member of the state of origin.

(3) The following is a list of articles, the movement of which is regulated:

(A) The Walnut Twig Beetle, *Pityophthorus juglandis*, in any living stage of development;

(B) The fungal pathogen, *Geosmithia morbida sp. nov.*;

(C) Firewood of any non-coniferous (hardwood) species;

(D) All plants and plant parts of the genus *Juglans* including but not limited to nursery stock, budwood, scionwood, green lumber, and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips. Specific exceptions are nuts, nut meats, hulls, processed lumber (one hundred percent (100%) bark-free, kiln-dried with squared edges), and finished wood products without bark, including walnut furniture, instruments, and gun stocks; and

(E) Any article, product, or means of conveyance when it is determined by the state entomologist to present the risk of spread of the Walnut Twig Beetle, *Pityophthorus juglandis*, or the fungal pathogen, *Geosmithia morbida sp. nov*.

(4) Regulated articles from the areas listed below are prohibited entry into Missouri under any circumstances.

(A) Arizona.
(B) California.
(C) Colorado.
(D) Idaho.
(E) Nevada.
(F) New Mexico.
(G) Oregon.
(H) Utah.
(I) Washington.
(J) Any other areas of the United States as determined by the state entomologist to have Thousand Cankers Disease of Walnut.

(5) The following are conditions of movement of regulated articles:

(A) All regulated articles are prohibited movement into or transiting through the state of Missouri;

(B) Articles listed in section (3) originating in an area not known to have Thousand Cankers Disease but transiting through an area known to have Thousand Cankers Disease will be considered to be regulated articles; and

(C) Regulated articles to be used for research purposes, at the discretion of the state entomologist, may move under a compliance agreement between the state entomologist and the Missouri recipient. At minimum, the compliance agreement shall require inspection of the regulated articles at the point of origin, a state phytosanitary certificate issued by the state plant regulatory official in the state of origin, and at least twenty-four (24) hours pre-shipment notification.

(6) Regulated articles transported in violation of this quarantine may be destroyed, or returned to the point of origin, at the discretion of the state entomologist. Common carriers or other carriers, persons, firms, or corporations who transport or move regulated articles in violation of this quarantine and these rules will be subject to the penalties named in section 263.180, RSMo, of the Missouri Plant Law.

(7) These rules are distinct from, and in addition to, any federal statute, regulation, or quarantine order addressing the interstate movement of articles from the known infested areas.

AUTHORITY: sections 263.040, 263.050, and 263.180, RSMo 2000. Emergency rule filed April 2, 2010, effective April 12, 2010, expires Jan. 19, 2011. Original rule filed April 13, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 250—University of Missouri
Chapter 11—Administration of Missouri Fertilizer Law

PROPOSED RULE

6 CSR 250-11.041 Inspection Fee on Manipulated Animal or Vegetable Manure Fertilizers

PURPOSE: This rule establishes the inspection fee on manipulated animal or vegetable manure fertilizers sold in the state.

(1) The fee provided to be established by rule under section 266.331, RSMo, for manipulated animal or vegetable manure fertilizers. Manipulated manure fertilizers shall be guaranteed. The fee is established at two cents (2¢) per ton per percent nitrogen for nitrogen levels less than five percent (5%), or four cents (4¢) per ton per percent nitrogen for nitrogen levels of five percent (5%) but less than ten percent (10%), or six cents (6¢) per ton per percent nitrogen for nitrogen levels of ten percent (10%) or greater.

AUTHORITY: section 266.331, RSMo Supp. 2009. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions forty-eight thousand six hundred eighty-two dollars and twenty-nine cents ($48,682.29) in reduced fees based on currently reported fertilizer products for the period 2008–09.

PRIVATE COST: This proposed rule will cost private entities approximately four thousand nine hundred fifty dollars ($4,950) in the aggregate. This assumes that the thirty-three (33) current distributors with permits will perform two (2) quality control chemical analyses of their product per year at an approximate cost of seventy-five dollars ($75) per sample or one hundred fifty dollars ($150) per location per year.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Director, Fertilizer/Ag Lime Control Service, University of Missouri, Columbia, MO 65211-8080. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

RULE NUMBER 6 CSR 250-11.041

Title: **Title 6—DEPARTMENT OF HIGHER EDUCATION**

Division: **Division 250—University of Missouri**

Chapter: **Chapter 11—Administration of Mo. Fertilizer Law**

Type of Rulemaking: **Proposed Rule**

Rule Number and Name: 6 CSR 250-11.041 Inspection fee on manipulated animal or vegetable manures fertilizers

SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Agricultural Experiment Station	-$48,682.29 inspection fees collected, based on tonnage and guaranteed analysis of product reported in the July 2008 through June 2009.
4 cities	Net saving over current inspection fee

WORKSHEET

There are currently no state agencies and 4 political subdivisions with a valid permit to sell commercial fertilizer. The new fee structure reduces the tonnage inspection fee; however, estimating savings is not easily calculated without prior knowledge of how many tons of fertilizer products will be distributed during the reporting period. The Missouri agricultural experiment station administers the Missouri Fertilizer law utilizing the fees collected to administer the program. Fees in excess of administration are utilized for the benefit of agricultural producers in the state by funding basic research on fertilizer use and education.

WORKSHEET

2008-09 reported tons

Distributor Permit #	Tonnage	Product N% Guarantee	Old Fee based on tonnage @ 50¢/T	New Fee based on % N contained in product: Fee @ 2¢/T % N < 5%	Fee @ 4¢/T % N > 5% < 10%	Fee @ 6¢/T % N = > 10%
00690	116	0.5	$58.00	$1.16		
00985	164.4	0.5	$82.20	$1.64		
01385	1282.25	3	$641.13	$76.94		
02010	46.38	4	$23.19	$3.71		
02020	37	5	$18.50		$7.40	
02125	1.31	1	$0.66	$0.03		
02125	0.16	0.5	$0.08	$0.00		
02620	76.14	8	$38.07		$24.36	
02660	0.08	0.06	$0.04	$0.00		
02700	1395.6	0.5	$697.80	$13.96		
02880**	0		$0.00			
03160	69.76	3	$34.88	$4.19		
03250	296.4	0.05	$148.20	$0.30		
04140	437.75	4	$218.88	$35.02		
05610	153.9	0.1	$76.95	$0.31		
05640	348.67	4	$174.34	$27.89		
05620	0.925	0.5	$0.46	$0.01		
05690**	453	6	$226.50		$108.72	
05950**	1323.5	1	$661.75	$26.47		
06000**	644.033	0.05	$322.02	$0.64		
06104	69.76	3	$34.88	$4.19		
06320	630	0.002	$315.00	$0.03		
06440	99.27	4	$49.64	$7.94		
06480	68.85	3	$34.43	$4.13		
06480	12515.26	8.55	$6,257.63		$4,280.22	
06480	311.91	8.83	$155.96		$110.17	
06330	99	4	$49.50	$7.92		
06817	25.04	0.05	$12.52	$0.03		
07290	42	5	$21.00		$8.40	
06890	1869.6	0.5	$934.80	$18.70		
07515	75	4	$37.50	$6.00		
07735	10	5	$5.00		$2.00	
09240	7.5	0.1	$3.75	$0.02		
09230	2.4	0.1	$1.20	$0.00		
07920	74704.25	0.3	$37,352.13	$448.23		
08070	10575.8	0.3	$5,287.90	$63.45		
Total	107952.9		$53,976.45	$752.89	$4,541.27	

Total Combined new fee $5,294.16
Difference in Fees -$48,682.29

** Designates municipality with permit

IV. ASSUMPTIONS

Based on reported tonnages and guaranteed analysis for the July 2008 to June 2009 reporting period, political subdivisions will realize a reduction in tonnage inspection fees from the current fifty cents (50¢) per ton too two (2¢) or four cents (4¢) per ton per percent nitrogen guaranteed.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER 6 CSR 250-11.041

Title: **Title 6—DEPARTMENT OF HIGHER EDUCATION**

Division: **Division 250—University of Missouri**

Chapter: **Chapter 11—Administration of Mo. Fertilizer Law**

Type of Rulemaking: **Proposed Rule**

Rule Number and Name: 6 CSR 250-11. 041 Inspection fee on manipulated animal or vegetable manures fertilizers

SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Corporate	Thirteen sites	$1,950.00 per year
Company	Eight sites	$1,200.00 per year
Limited Liability Company	Seven sites	$ 1,050.00 per year
Municipalities	Four sites	$ 600.00 per year
Cooperative Organizations	One sites	$ 150.00 per year

WORKSHEET

Current breakdown of distributors holding valid permits to sell commercial fertilizers in Missouri are as follows:

Corporate: one site 13, three sites 1.
Company: one site 8.
Limited Liability Companies: one site 7.
Municipalities: one site 4.
Cooperative organizations: one site 1.

IV. ASSUMPTIONS

It is possible that with the reduction in tonnage inspection fees on manipulated manure or manipulated vegetable manure fertilizers, more distributors will be identified requiring registration. The summary of fiscal impact assumes a minimum of two independent sample analyses per year per location to verify product quality prior to shipment.

Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 250—University of Missouri
Chapter 11—Administration of Missouri Fertilizer Law

PROPOSED RULE

6 CSR 250-11.042 Guaranteed Analysis When Tonnage Inspection Fee is Based on Product Constituent

PURPOSE: This rule establishes tolerance for under guaranteeing a nutrient when inspection fee is based on specific nutrient content of a fertilizer product.

(1) When the tonnage inspection fee authorized in section 266.331, RSMo, is based on nutrient constituent component(s) contained in the fertilizer, the guaranteed analysis will accurately represent the nutrient content of the product within one hundred fifty percent (150%) value. Value will be determined by chemical analysis and calculated by dividing the found nutrient level by the guaranteed level. Product analysis that are found to exceed one hundred fifty percent (150%) of the guarantee shall be subject to the prescribed inspection fee multiplied by the factor which the product was under guaranteed.

AUTHORITY: sections 266.291–266.351, RSMo 2000 and RSMo Supp. 2009. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately one thousand nine hundred fifty dollars ($1,950) in the aggregate. This assumes that the twenty-nine (29) entities perform a minimum of one (1) chemical analysis annually at an approximate cost of seventy-five dollars ($75) per sample.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Director, Fertilizer/Ag Lime Control Service, University of Missouri, Columbia, MO 65211-8080. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER 6 CSR 250-11.042

Title: **Title 6—DEPARTMENT OF HIGHER EDUCATION**

Division: **Division 250—University of Missouri**

Chapter: **Chapter 11—Administration of Mo. Fertilizer Law**

Type of Rulemaking: **Proposed Rule**

Rule Number and Name: 6 CSR 250-11.042 Guaranteed analysis when tonnage inspection fee is based on product constituent.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
29 private entities	Corporate (13)	$ 975.00 minimum
	Company (8)	$ 525.00 minimum
	Limited Liability (7)	$ 375.00 minimum
	Cooperative (1)	$ 75.00 minimum

III. WORKSHEET

It is difficult to estimate the number of entities that might be affected by this proposed rule. In order for financial impact to exceed $500.00, a distributor would have to have intentionally under-guarantee their product. The estimated minimum cost would be arrived at on a per sample basis for the producer to verify the quality of the product being sold.

IV. ASSUMPTIONS

The assumption is that requiring proper chemical analysis of the materials prior to transfer will benefit the distributor selling the product, the purchaser receiving the product and the environment by avoiding over application of supplied nutrients.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.010 Definitions. The Missouri Highways and Transportation Commission is amending subparagraph (1)(A)30.B. and adding subparagraph (1)(A)30.C.

PURPOSE: This proposed amendment will amend the definition of "violations reset" to mirror the standards and specifications in 7 CSR 60-2.030 that outline when a violations reset message will occur.

(1) Definitions.

(A) The following words and terms as used in these requirements shall have the following meaning:

1. Alcohol retest setpoint—The breath alcohol concentration at which the ignition interlock device is set to lock the ignition for the rolling retest;

2. Alcohol setpoint—The breath alcohol concentration at which the ignition interlock device is set to lock the ignition. The alcohol setpoint is the nominal lock point at which the ignition interlock device is set at the time of calibration;

3. Alveolar air—Deep lung air or alveolar breath, which is the last portion of a prolonged, uninterrupted exhalation;

4. Authorized service provider—A person, company, or authorized franchise who is certified by the state of Missouri to provide breath alcohol ignition interlock devices under sections 577.600–577.614, RSMo;

5. Bogus breath sample—Any gas sample other than an unaltered, undiluted, and unfiltered alveolar air sample from a driver;

6. Breath alcohol concentration (BAC)—The number of grams of alcohol (% weight/volume) per two hundred ten (210) liters of breath;

7. Breath alcohol ignition interlock device (BAIID)—A mechanical unit that is installed in a vehicle which requires the taking of a BAC test prior to the starting of the vehicle and at periodic intervals after the engine has been started. If the unit detects a BAC test result below the alcohol setpoint, the unit will allow the vehicle's ignition switch to start the engine. If the unit detects a BAC test result at or above the alcohol setpoint, the vehicle will be prohibited from starting;

8. Breath sample—Expired human breath containing primarily alveolar air;

9. Calibration—The process which ensures an accurate alcohol concentration reading on a device;

10. Circumvention—An unauthorized, intentional, or overt act or attempt to start, drive, or operate a vehicle equipped with a breath alcohol ignition interlock device without the driver of the vehicle providing a pure breath sample;

11. Device—Breath alcohol ignition interlock device (BAIID);

12. Download—The transfer of information from the interlock device's memory onto disk or other electronic or digital transfer protocol;

13. Emergency service—Unforeseen circumstances in the use and/or operation of a breath alcohol ignition interlock device, not covered by training or otherwise documented, which requires immediate action;

14. Filtered breath sample—A breath sample which has been filtered through a substance in an attempt to remove alcohol from the sample;

15. Independent laboratory—A laboratory which is properly equipped and staffed to conduct laboratory tests on ignition interlock devices;

16. Initial breath test—A breath test required to start a vehicle to ensure that the driver's BAC is below the alcohol setpoint;

17. Installation—Mechanical placement and electrical connection of a breath alcohol ignition interlock device in a vehicle by installers;

18. Installer—A dealer, distributor, supplier, individual, or service center who provides device calibration, installation, and other related activities as required by the authorized service provider;

19. Lockout—The ability of the device to prevent a vehicle's engine from starting unless it is serviced or recalibrated;

20. NHTSA—Federal agency known as the National Highway Traffic Safety Administration;

21. Operator—Any person who operates a vehicle that has a court-ordered or Department of Revenue required breath alcohol ignition interlock device installed;

22. Permanent lockout—A feature of a device in which a vehicle will not start until the device is reset by a device installer;

23. Pure breath sample—Expired human breath containing primarily alveolar air and having a breath alcohol concentration below the alcohol setpoint of twenty-five thousandths (.025);

24. Reinstallation—Replacing a breath alcohol ignition interlock device in a vehicle by an installer after it has been removed for service;

25. Retest—Two (2) additional chances to provide a breath sample below the alcohol setpoint when the first sample failed; or three (3) chances to provide a breath alcohol sample below the alcohol setpoint on the rolling retest;

26. Rolling retest—A subsequent breath test that must be conducted five (5) minutes after starting the vehicle and randomly during each subsequent thirty (30)-minute time period thereafter while the vehicle is in operation;

27. Service lockout—A feature of the breath alcohol ignition interlock device which will not allow a breath test and will not allow the vehicle to start until the device is serviced and recalibrated as required;

28. Tampering—An overt, purposeful attempt to physically alter or disable an ignition interlock device, or disconnect it from its power source, or remove, alter, or deface physical anti-tampering measures, so a driver can start the vehicle without taking and passing an initial breath test;

29. Temporary lockout—A feature of the device which will not allow the vehicle to start for fifteen (15) minutes after three (3) failed attempts to blow a pure breath sample; and

30. Violations reset—A feature of a device in which a service reminder is activated due to one (1) of the following reasons:

A. Two (2) fifteen (15)-minute temporary lockouts within a thirty (30)-day period; *[or]*

B. Any *[two (2)]* **three (3)** refusals to provide a retest sample within a thirty (30)-day period*[.]*; **or**

C. Any three (3) breath samples above the alcohol setpoint within a thirty (30)-day period.

*AUTHORITY: sections 577.600–577.614, RSMo 2000 and RSMo Supp. [2008] **2009** and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.010. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.010, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Emergency amendment filed April 8, 2010, effective April 18, 2010, expires Nov. 30, 2010. Amended: Filed April 8, 2010.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.030 Standards and Specifications. The Missouri Highways and Transportation Commission is amending paragraph (1)(C)2.

PURPOSE: This proposed amendment will require an ignition interlock device to be programmed to include a violations reset message when the device registers three (3) refusals to submit to a rolling retest of the person's breath within a thirty (30)-day period.

(1) Standards and Specifications.

(C) A retest feature is required for all devices.

1. A device shall be programmed to require a rolling retest five (5) minutes after the start of the vehicle and randomly during each subsequent thirty (30)-minute time period thereafter as long as the vehicle is in operation.

2. Any breath sample above the alcohol retest setpoint of twenty-five thousandths (.025) or any failure to provide a retest sample within five (5) minutes shall activate the vehicle's horn or other installed alarm and/or cause the vehicle's emergency lights to flash until the engine is shut off by the operator. Three (3) breath samples above the alcohol setpoint or three (3) *[consecutive]* refusals by the driver to provide a retest sample **within a thirty (30)-day period** will result in a violations reset message.

3. The violations reset message shall instruct the operator to return the device to the installer for servicing within five (5) working days.

A. As the result of a reset message, the installer must download and calibrate the device.

B. The installer must report all violations to the court-ordered supervising authority within three (3) working days.

4. If the vehicle is not returned to the installer within five (5) working days, the device shall cause the vehicle to enter a permanent lockout condition.

AUTHORITY: sections 577.600–577.614, RSMo 2000 and RSMo Supp. [2008] ***2009*** *and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.030. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.030, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Emergency amendment filed April 8, 2010, effective April 18, 2010, expires Nov. 30, 2010. Amended: Filed April 8, 2010.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 4—Guidelines and Interpretations of Fair Housing Sections of the Missouri Human Rights Act

PROPOSED RULE

8 CSR 60-4.040 Costs of Travel to Hearing

PURPOSE: This rule indicates that when a complainant has to travel for a hearing regarding a complaint of housing discrimination, the commission will cover the complainant's travel expenses.

(1) When a complainant files a complaint pursuant to sections 213.040, 213.041, 213.045, or 213.050, RSMo, or pursuant to section 213.070, RSMo, only as it relates to housing, and the respondent requests that a hearing be held in the county where he or she resides or does business, then, in the event that county is not the county of complainant's residence, the commission will cover the costs associated with the complainant's travel to the hearing pursuant to the state of Missouri's policies and limits in place for state employees at the time the travel occurs.

AUTHORITY: sections 213.030 and 213.075, RSMo 2000. Original rule filed April 14, 2010.

PUBLIC COST: This proposed rule will not cost agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Labor and Industrial Relations Commission, Attn: Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 4—Guidelines and Interpretations of Fair Housing Sections of the Missouri Human Rights Act

PROPOSED RULE

8 CSR 60-4.045 Complainant's Testimony at Hearing

PURPOSE: This rule indicates that a complainant may testify at a hearing even if he or she has not intervened in the action.

(1) When a case is at hearing pursuant to section 213.075, RSMo, then the complainant may testify at the hearing whether or not he or she has intervened in the proceeding.

AUTHORITY: sections 213.030 and 213.075, RSMo 2000. Original rule filed April 14, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Labor and Industrial Relations Commission, Attn: Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan Area

PROPOSED RESCISSION

10 CSR 10-2.070 Restriction of Emission of Odors. This rule restricted the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. If the commission adopts this rule action, it will be the Department's intention not to submit this rule rescission to the U.S. Environmental Protection Agency from the Missouri part of the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule restricts the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are minutes from a May 28, 2009, Missouri Air Conservation Commission meeting, letters from Washington University in St. Louis School of Law and the Attorney General's Office dated October 6, 2006, and odor workgroup meeting notes from 2007.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Amended: Filed March 26, 1970, effective April 5, 1970. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 2006, effective July 30, 2007. Rescinded: Filed April 14, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., June 24, 2010. The public hearing will be held at the Elm Street Conference Center, Lower Level, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., July 1, 2010. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 3—Air Pollution Control Rules Specific to the Outstate Missouri Area

PROPOSED RESCISSION

10 CSR 10-3.090 Restriction of Emission of Odors. This rule restricted the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. If the commission adopts this rule action, it will be the Department's intention not to submit this rule rescission to the U.S. Environmental Protection Agency from the Missouri part of the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule restricts the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are minutes from a May 28, 2009, Missouri Air Conservation Commission meeting, letters from Washington University in St. Louis School of Law and the Attorney General's Office dated October 6, 2006, and odor workgroup meeting notes from 2007.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed July 13, 1971, effective July 23, 1971. Amended: Filed Jan. 31, 1972, effective Feb. 10, 1972. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 2006, effective July 30, 2007. Rescinded: Filed April 14, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., June 24, 2010. The public hearing will be held at the Elm Street Conference Center, Lower Level, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or

email statement of their views until 5:00 p.m., July 1, 2010. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 4—Air Quality Standards and Air Pollution Control Regulations for the Springfield-Greene County Area

PROPOSED RESCISSION

10 CSR 10-4.070 Restriction of Emission of Odors. This rule restricted the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. If the commission adopts this rule action, it will be the Department's intention not to submit this rule rescission to the U.S. Environmental Protection Agency from the Missouri part of the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule restricts the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are minutes from a May 28, 2009, Missouri Air Conservation Commission meeting, letters from Washington University in St. Louis School of Law and the Attorney General's Office dated October 6, 2006, and odor workgroup meeting notes from 2007.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 2006, effective July 30, 2007. Rescinded: Filed April 14, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., June 24, 2010. The public hearing will be held at the Elm Street Conference Center, Lower Level, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., July 1, 2010. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

PROPOSED RESCISSION

10 CSR 10-5.160 Control of Odors in the Ambient Air. This rule restricted the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. If the commission adopts this rule action, it will be the Department's intention not to submit this rule rescission to the U.S. Environmental Protection Agency from the Missouri part of the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule restricts the emission of excessive odorous matter. This rulemaking will remove a rule that is being replaced with a new rule that restricts the emission of excessive odorous matter throughout Missouri. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are minutes from a May 28, 2009, Missouri Air Conservation Commission meeting, letters from Washington University in St. Louis School of Law and the Attorney General's Office dated October 6, 2006, and odor workgroup meeting notes from 2007.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 2006, effective July 30, 2007. Rescinded: Filed April 14, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., June 24, 2010. The public hearing will be held at the Elm Street Conference Center, Lower Level, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., July 1, 2010. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED RULE

10 CSR 10-6.165 Restriction of Emission of Odors. If the commission adopts this rule action, it will be the Department's intention not to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule restricts the emission of excessive odorous matter. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are minutes from a May 28, 2009, Missouri Air Conservation Commission meeting, letters from Washington University in St. Louis School of Law and the Attorney General's Office dated October 6, 2006, and odor workgroup meeting notes from 2007.

(1) Applicability. This rule shall apply to any person that causes, permits, or allows emission of odorous matter throughout the state of Missouri, except—

(A) The provisions of section (3) of this rule shall not apply to the emission of odorous matter from the pyrolysis of wood in the production of charcoal in a Missouri-type charcoal kiln;

(B) The provisions of section (3) of this rule shall not apply to the emission of odorous matter from the raising and harvesting of crops nor from the feeding, breeding, and management of livestock or domestic animals or fowl with the exception of Class IA Concentrated Animal Feeding Operations; and

(C) The provisions of this rule shall not apply to emissions of odorized natural gas, or the chemicals used to achieve the regulated odorization of natural gas, inherent to the operations of a natural gas utility.

(2) Definitions.

(A) Modification—Any changes to the sources of odor emissions or the odor control options to be implemented to reduce odor emissions from those identified in an odor control plan.

(B) Class IA concentrated animal feeding operation—Any concentrated animal feeding operation with a capacity of seven thousand (7,000) animal units or more and corresponding to the following number of animals by species listed below:

Class IA concentrated animal feeding operation 7,000 animal unit equivalents		
Animal species	Animal unit equivalent	Number of animals
Beef feeder or slaughter animal	1.0	7,000
Horse	0.5	3,500
Dairy cow	0.7	4,900
Swine weighing > 55 lbs.	2.5	17,500
Swine weighing < 55 lbs.	10	70,000
Sheep	10	70,000
Laying hens	30	210,000
Pullets	60	420,000
Turkeys	55	385,000
Broiler chickens	100	700,000

(C) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions. No person may cause, permit, or allow the emission of odorous matter in concentrations and frequencies or for durations that odor can be perceived when one (1) volume of odorous air is diluted with seven (7) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a location outside of the installation's property boundary.

(A) Control of Odors from Class IA Concentrated Animal Feeding Operations. Notwithstanding any provision in any other regulation to the contrary, all Class IA concentrated animal feeding operations shall operate under an odor control plan describing measures to be used to control odor emissions. All new Class IA concentrated animal feeding operations and any operation that expands to become a Class IA concentrated animal feeding operation shall obtain approval from the department for an odor control plan at least sixty (60) days prior to commencement of operation.

1. The odor control plan shall contain the following:

A. A listing of all sources of odor emissions and description of how odors are currently being controlled;

B. A listing of all potentially innovative and proven odor control options for reducing odor emissions. Odor control options may include odor reductions achieved through: odor prevention, odor capture and treatment, odor dispersion, add-on control devices, management practices, modifications to feed-stock or waste handling practices, or process changes;

C. A detailed discussion of feasible odor control options for odor emissions. The discussion shall include options determined to be infeasible. Determination of infeasibility should be well documented and based on physical, chemical, and engineering principles demonstrating that technical difficulties would preclude the success of the control option;

D. A ranking of feasible odor control options from most to least effective. Ranking factors shall include odor control effectiveness, expected odor reduction, energy impacts, and economic impacts;

E. An evaluation of the most effective odor control options. Energy, environmental, and economic impacts shall be evaluated on a case-by-case basis;

F. Description of the odor control options to be implemented to reduce odor emissions;

G. A schedule for implementation. The schedule shall establish interim milestones in implementing the odor control plan prior to the implementation deadline if the plan is not implemented at one time; and

H. An odor monitoring plan.

2. The Missouri Department of Natural Resources' Air Pollution Control Program shall review and approve or disapprove the odor control plan.

A. After the program receives an odor control plan, they shall perform a completeness review. Within thirty (30) days of receipt, the program shall notify the plan originator if the plan contains all the elements of a complete odor control plan. If found incomplete, the program shall provide the originator a written explanation of the plan's deficiencies.

B. Within sixty (60) days after determining an odor control plan submittal is deemed complete, the program shall approve or disapprove the plan. During this sixty (60)-day technical review period, the program may request additional information needed for review. If the plan is disapproved, the program shall give the plan originator a written evaluation explaining the reason(s) for disapproval.

(B) Existing odor control plans shall be amended within thirty (30) calendar days of either—

1. A determination by the staff director that there has been a violation of any requirement of this rule; or

2. A determination by the staff director that an amended odor control plan is necessary to address recurring odor emissions.

(4) Reporting and Record Keeping. Odor control plans shall be updated at a minimum of every five (5) years from the date last approved or when a modification occurs. This update shall be due to the department six (6) months before the current odor control plan expires or at least thirty (30) days prior to the modification occurring with the following provisions:

(A) All existing odor control plans shall be updated by December

31, 2010; and

(B) Any person may petition the department to be removed from the odor control plan requirement if there have been no odor notifications, notices of excess emissions, or notices of violation for a period of sixty (60) consecutive months and based on documentation that the odor source has been removed.

(5) Test Methods. Measurements shall be made with a Nasal Ranger as manufactured by St. Croix Sensory Inc. or by a similar instrument or technique that will give substantially similar results, or as approved by the department.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed April 14, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., June 24, 2010. The public hearing will be held at the Elm Street Conference Center, Lower Level, Bennett Springs Conference Room, 1730 East Elm Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., July 1, 2010. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring

PROPOSED RULE

10 CSR 60-4.025 Ground Water Rule Monitoring and Treatment Technique Requirements

PURPOSE: This rule sets standards for public water systems using ground water, including requirements for monitoring, treatment techniques, and corrective actions where significant deficiencies are found. The rule is based on the requirements in the federal Ground Water Rule found in subpart S of 40 CFR part 141, July 1, 2008.

(1) General Requirements and Applicability.

(A) Scope of This Rule. The requirements of this rule constitute National Primary Drinking Water Regulations.

(B) Applicability. This rule applies to all public water systems that use ground water except that it does not apply to public water systems that combine all of their ground water with surface water or with ground water under the direct influence of surface water prior to treatment. Also, it does not apply to ground water systems under the direct influence of surface water. For the purposes of this rule, ground water system is defined as any public water system meeting this applicability statement, including consecutive systems receiving finished ground water.

(C) General Requirements.

1. Systems subject to this rule must comply with sanitary survey information requirements described in section (2) of this rule.

2. Wherever it is used in this rule, the term "4-log treatment of viruses" shall mean treatment to at least ninety-nine and ninety-nine hundredths percent (99.99%) (4-log) treatment of viruses using inactivation, removal, or a department-approved combination of 4-log virus inactivation and removal before or at the first customer.

3. The department will use the *Missouri Guidance Manual for Inactivation of Viruses in Ground Water* to determine inactivation of viruses.

4. Systems subject to this rule must comply with microbial source water monitoring requirements for ground water systems that do not treat all of their ground water to at least ninety-nine and ninety-nine hundredths percent (99.99%) (4-log) treatment of viruses before or at the first customer as described in section (3) of this rule.

5. Systems subject to this rule must comply with treatment technique requirements, described in section (4) of this rule, that apply to ground water systems that have fecally contaminated source waters, as determined by source water monitoring conducted under section (3) of this rule, or that have significant deficiencies that are identified by the department, or that are identified by the U.S. Environmental Protection Agency under section 1445 of the Safe Drinking Water Act. For the purposes of this rule, significant deficiencies include but are not limited to defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that the department determines are causing, or have the potential for causing, the introduction of contamination into the water delivered to consumers. A ground water system with fecally contaminated source water or with significant deficiencies subject to the treatment technique requirements of this rule must implement one (1) or more of the following corrective action options under the direction and approval of the department:

A. Correct all significant deficiencies;

B. Provide an alternate source of water;

C. Eliminate the source of contamination; or

D. Provide treatment that reliably achieves at least 4-log treatment of viruses before or at the first customer.

6. Ground water systems that provide at least 4-log treatment of viruses before or at the first customer are required to conduct compliance monitoring to demonstrate treatment effectiveness, as described in subsection (4)(B) of this rule.

7. If requested by the department, ground water systems must provide any existing information that will enable the department to perform a hydrogeologic sensitivity assessment. For the purposes of this rule, a hydrogeologic sensitivity assessment is a determination of whether ground water systems obtain water from hydrogeologically sensitive settings.

(2) Sanitary Surveys and Inspections for Ground Water Systems.

(A) Ground water systems must provide, at the department's request, any existing information that will enable the department to conduct a sanitary survey or inspection.

(B) For the purposes of this rule, a sanitary survey or inspection includes, but is not limited to, an onsite review of the water source(s) (identifying sources of contamination by using results of source water assessments or other relevant information where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations, and the distribution of safe drinking water.

(C) The sanitary survey or inspection must include an evaluation of the water system's:

1. Source;
2. Treatment;
3. Distribution system;
4. Finished water storage;
5. Pumps, pump facilities, and controls;
6. Monitoring, reporting, and data verification;
7. System management and operation; and
8. Operator compliance with department requirements.

(3) Ground Water Source Microbial Monitoring.

(A) Triggered Source Water Monitoring.

1. General requirements. A ground water system must conduct triggered source water monitoring if the following conditions exist:

A. The system does not provide at least 4-log treatment of viruses before or at the first customer for each ground water source; and

B. The system is notified that a sample collected under 10 CSR 60-4.020(1) is total coliform-positive and the sample is not invalidated under 10 CSR 60-4.020(3).

2. Sampling requirements. A ground water system must collect, within twenty-four (24) hours of notification of the total coliform-positive sample, at least one (1) ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under 10 CSR 60-4.020(1), except as provided in subparagraph (3)(A)2.B. of this rule.

A. The department may extend the twenty-four (24)-hour time limit on a case-by-case basis if the system cannot collect the ground water source water sample within twenty-four (24) hours due to circumstances beyond its control. In the case of an extension, the department will specify how much time the system has to collect the sample.

B. If approved by the department, systems with more than one (1) ground water source may meet the requirements of this subparagraph by sampling a representative ground water source or sources. If directed by the department, systems must submit for department approval a triggered source water monitoring plan that identifies one (1) or more ground water sources that are representative of each monitoring site in the system's sample siting plan under 10 CSR 60-4.020(1) and that the system intends to use for representative sampling for triggered source water monitoring.

C. A ground water system serving one thousand (1,000) people or fewer may use a repeat sample collected from a ground water source to meet both the requirements of 10 CSR 60-4.020(2) and to satisfy the monitoring requirements of this section (3) for that ground water source only if the department approves the use of *E. coli* as a fecal indicator for source water monitoring under this subsection (3)(A). If the repeat sample collected from the ground water source is *E. coli* positive, the system must comply with the additional requirements in paragraph (3)(A)3. of this rule.

3. Additional requirements. If the department does not require corrective action under paragraph (4)(A)2. of this rule for a fecal indicator-positive source water sample collected under paragraph (3)(A)2. of this rule that is not invalidated under subsection (3)(D) of this rule, the system must collect five (5) additional source water samples from the same source within twenty-four (24) hours of being notified of the fecal indicator-positive sample.

4. Consecutive systems. In addition to the other requirements of this subsection (3)(A), a consecutive ground water system that has a total coliform-positive sample collected under 10 CSR 60-4.020(1) must notify the wholesale system(s) within twenty-four (24) hours of being notified of the total coliform-positive sample.

5. Wholesale systems. In addition to the other requirements of this subection (3)(A), a wholesale ground water system that receives notice from a consecutive system it serves that a sample collected under 10 CSR 60-4.020(1) is total coliform-positive must, within twenty-four (24) hours of being notified, collect a sample from its ground water source(s) under paragraph (3)(A)2.of this rule and analyze it for a fecal indicator under subsection (3)(C) of this rule. If this sample is fecal indicator-positive, the system must notify all consecutive systems served by that ground water source of the fecal indicator source water positive within twenty-four (24) hours of being notified of the monitoring result and must meet the requirements of paragraph (3)(A)3. of this rule.

6. Exceptions to triggered source water monitoring requirements. A ground water system is not required to comply with the source water monitoring requirements of this subsection (3)(A) if either of the following conditions exists:

A. The department determines, and documents in writing, that the total coliform-positive sample collected under 10 CSR 60-4.020(1) is caused by a distribution system deficiency; or

B. The total coliform-positive sample collected under 10 CSR 60-4.020(1) is collected at a location that meets department criteria for distribution system conditions that will cause total coliform-positive samples.

(B) Assessment Source Water Monitoring. If directed by the department, ground water systems must conduct assessment source water monitoring that meets department-determined requirements. A ground water system conducting assessment source water monitoring may use a triggered source water sample collected under paragraph (3)(A)2. of this rule to meet the requirements of this subsection. The department may require any combination of—

1. Collection of a total of twelve (12) ground water source samples that represent each month the system provides ground water to the public;

2. Collection of samples from each well unless the system obtains written department approval to conduct monitoring at one (1) or more wells within the ground water system that are representative of multiple wells used by that system and that draw water from the same hydrogeologic setting;

3. Collection of a standard sample volume of at least one hundred milliliters (100 mL) for fecal indicator analysis regardless of the fecal indicator or analytical method used;

4. Analysis of all ground water source samples using one (1) of the analytical methods listed in paragraph (3)(C)2. of this rule for the presence of *E. coli*, enterococci, or coliphage;

5. Collection of ground water source samples at a location prior to any treatment of the ground water source unless the department approves a sampling location after treatment; or

6. Collection of ground water source samples at the well itself unless the system's configuration does not allow for sampling at the well itself and the department approves an alternate sampling location that is representative of the water quality of that well.

(C) Analytical Methods.

1. A ground water system subject to the source water monitoring requirements of subsection (3)(A) of this rule must collect a standard sample volume of at least one hundred milliliters (100 mL) for fecal indicator analysis regardless of the fecal indicator or analytical method used.

2. A ground water system must analyze all ground water source samples collected under subsection (3)(A) of this rule using one (1) of the analytical methods listed in 40 CFR 141.402.

(D) Invalidation of a Fecal Indicator-Positive Ground Water Source Sample.

1. A ground water system may obtain department invalidation of a fecal indicator-positive ground water source sample collected under subsection (3)(A) of this rule only under the following conditions:

A. The system provides the department with written notice from the laboratory that improper sample analysis occurred; or

B. The department determines and documents in writing that there is substantial evidence that a fecal indicator-positive ground water source sample is not related to source water quality.

2. If the department invalidates a fecal indicator-positive ground water source sample, the ground water system must collect another source water sample under subsection (3)(A) of this rule within twenty-four (24) hours of being notified by the department of its invalidation decision and have it analyzed for the same fecal indicator listed in 40 CFR 141.402. The department may extend the twenty-four (24)-hour time limit on a case-by-case basis if the system cannot collect the source water sample within twenty-four (24) hours due to circumstances beyond its control. In the case of an extension, the department will specify how much time the system has to collect the sample.

(E) Sampling Location.

1. Any ground water source sample required under subsection (3)(A) of this rule must be collected at a location prior to any treatment of the ground water source unless the department approves a sampling location after treatment.

2. If the system's configuration does not allow for sampling at the well itself, the system may collect a sample at a department-approved location to meet the requirements of subsection (3)(A) of this rule if the sample is representative of the water quality of that well.

(F) New Sources. If directed by the department, a ground water system that places a new ground water source into service after November 30, 2009, must conduct assessment source water monitoring under subsection (3)(B) of this rule. If directed by the department, the system must begin monitoring before the ground water source is used to provide water to the public.

(G) Public Notification. A ground water system with a ground water source sample collected under subsection (3)(A) or (3)(B) of this rule that is fecal indicator-positive and that is not invalidated under subsection (3)(D) of this rule, including consecutive systems served by the ground water source, must conduct Tier 1 public notification under 10 CSR 60-8.010.

(H) Monitoring Violations. Failure to meet the requirements of subsections (3)(A)–(F) of this rule is a monitoring violation and requires the ground water system to provide Tier 3 public notification under 10 CSR 60-8.010.

(4) Treatment Technique Requirements.

(A) Ground Water Systems with Significant Deficiencies or Source Water Fecal Contamination.

1. The treatment technique requirements of this rule must be met by ground water systems when a significant deficiency is identified or when a ground water source sample collected under paragraph (3)(A)3. of this rule is fecal indicator-positive.

2. If directed by the department, a ground water system with a ground water source sample collected under paragraph (3)(A)3., paragraph (3)(A)4., or subsection (3)(B) that is fecal indicator-positive must comply with the treatment technique requirements of this section (4).

3. When a significant deficiency is identified at a public water system that uses both ground water and surface water or ground water under the direct influence of surface water, the system must comply with provisions of this subsection (4)(A) except in cases where the department determines that the significant deficiency is in a portion of the distribution system that is served solely by surface water or ground water under the direct influence of surface water.

4. Unless the department directs the ground water system to implement a specific corrective action, the ground water system must consult with the department regarding the appropriate corrective action within thirty (30) days of receiving written notice from the department of a significant deficiency, written notice from a laboratory that a ground water source sample collected under paragraph (3)(A)3. of this rule was found to be fecal indicator-positive, or direction from the department that a fecal indicator-positive sample collected under paragraph (3)(A)2., paragraph (3)(A)4., or subsection (3)(B) of this rule requires corrective action. For the purposes of this rule, significant deficiencies include but are not limited to defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that the department determines are causing, or have potential for causing, the introduction of contamination into the water delivered to consumers. Such significant deficiencies may include, but may not be limited to, the following:

A. For the source, any improperly constructed, sealed, or inadequately screened opening in the well head;

B. For treatment—

(I) Failure to perform and record the results of sufficient analyses to maintain control of treatment process or water quality;

(II) Systems required to provide 4-log virus inactivation or removal that do not meet disinfection concentration and detention time requirements; or

(III) Systems that are required to disinfect that do not have standby redundant disinfection facilities;

C. For distribution systems—

(I) The existence of a known unprotected cross-connection;

(II) Widespread or persistent low pressure events as defined in 10 CSR 60-4.080(9);

(III) Submerged automatic air release valves or uncapped manual air release valves; or

(IV) Failure to properly disinfect new or newly-repaired water mains;

D. For finished water storage—

(I) The existence of any unprotected, inadequately protected, or improperly constructed opening in a storage facility; or

(II) Evidence that the water in the storage facility has been contaminated (for example, feathers or nesting materials in an overflow pipe or positive bacteria samples);

E. For pumps or pump facilities and controls, repeated or persistent low pressures caused by pump or pump control problems or inadequate pump capacity;

F. For monitoring, reporting, or data verification—

(I) Falsification of monitoring or reporting records; or

(II) Failure to maintain system records required under 10 CSR 60-9.010;

G. For water system management or operations, failure to address significant deficiencies listed in the most recent inspection or sanitary survey report; and

H. For operator compliance—

(I) Lack of properly certified chief operator in responsible charge of the treatment facility as required under 10 CSR 60-14.010(4); or

(II) Lack of properly certified chief operator in responsible charge of the distribution facility as required under 10 CSR 60-14.010(4).

5. Within one hundred twenty (120) days (or earlier if directed by the department) of receiving written notification from the department of a significant deficiency, written notice from a laboratory that a ground water source sample collected under paragraph (3)(A)3. of this rule was found to be fecal indicator-positive, or direction from the department that a fecal indicator-positive sample collected under paragraph (3)(A)2., paragraph (3)(A)4., or subsection (3)(B) of this rule requires corrective action, the ground water system must either—

A. Have completed corrective action in accordance with applicable department plan review processes or other department guidance or direction, if any, including department-specified interim measures; or

B. Be in compliance with a department-approved corrective action plan and schedule subject to the following conditions:

(I) Any subsequent modifications to a department-approved corrective action plan and schedule must be approved by the department; and

(II) If the department specifies interim measures for protection of the public health pending department approval of the corrective action plan and schedule or pending completion of the corrective action plan, the system must comply with these interim measures as well as with any schedule specified by the department.

6. Corrective action alternatives. Ground water systems that meet the conditions of paragraph (4)(A)1. or (4)(A)2. of this rule must implement one (1) or more of the following corrective action alternatives under the direction and approval of the department:

A. Correct all significant deficiencies;

B. Provide an alternate source of water;

C. Eliminate the source of contamination; or

D. Provide treatment that reliably achieves at least 4-log treatment of viruses before or at the first customer for the ground water source.

7. Special notice to the public of significant deficiencies or source water fecal contamination.

A. In addition to the applicable public notification requirements of 10 CSR 60-8.010(2), a community ground water system

that receives notice from the department of a significant deficiency or notification of a fecal indicator-positive ground water source sample that is not invalidated by the department under subsection (3)(D) of this rule must inform the public served by the water system under 10 CSR 60-8.030(2)(H)6. of the fecal indicator-positive source sample or of any significant deficiency that has not been corrected. The system must continue to inform the public annually until the significant deficiency is corrected or the fecal contamination in the ground water source is determined by the department to be corrected under paragraph (4)(A)5. of this rule.

B. In addition to the applicable public notification requirements of 10 CSR 60-8.010, a non-community ground water system that receives notice from the department of a significant deficiency must inform the public served by the water system in a manner approved by the department of any significant deficiency that has not been corrected within twelve (12) months of being notified by the department, or earlier if directed by the department. The system must continue to inform the public annually until the significant deficiency is corrected.

(I) The information must include:

(a) The nature of the significant deficiency and the date the significant deficiency was identified by the department;

(b) The department-approved plan and schedule for correction of the significant deficiency, including interim measures, progress to date, and any interim measures completed; and

(c) For systems with a large proportion of non-English speaking consumers, as determined by the department, information in the appropriate language(s) regarding the importance of the notice or a telephone number or address where consumers may contact the system to obtain a translated copy of the notice or assistance in the appropriate language.

(II) If directed by the department, a non-community water system with significant deficiencies that have been corrected must inform its customers of the significant deficiencies, how the deficiencies were corrected, and the dates of correction.

(B) Compliance Monitoring.

1. Existing ground water sources. A ground water system that is not required to meet the source water monitoring requirements of this rule for any ground water source because it provides at least 4-log treatment of viruses before or at the first customer for any ground water source before December 1, 2009, must notify the department in writing that it provides at least 4-log treatment of viruses before or at the first customer for the specified ground water source and begin compliance monitoring in accordance with paragraph (4)(B)3. of this rule by December 1, 2009. Notification to the department must include engineering, operational, or other information that the department requests to evaluate the submission. If the system subsequently discontinues 4-log treatment of viruses before or at the first customer for a ground water source, the system must conduct ground water source monitoring as required under section (3) of this rule.

2. New ground water sources. A ground water system that places a ground water source in service after November 30, 2009, that is not required to meet the source water monitoring requirements of this rule because the system provides at least 4-log treatment of viruses before or at the first customer for the ground water source must comply with the following:

A. The system must notify the department in writing that it provides at least 4-log treatment of viruses before or at the first customer for the ground water source. Notification to the department must include engineering, operational, or other information that the department requests to evaluate the submission;

B. The system must conduct compliance monitoring as required under paragraph (4)(B)3. of this rule within thirty (30) days of placing the source in service; and

C. The system must conduct ground water source monitoring under section (3) of this rule if the system subsequently discontinues 4-log treatment of viruses before or at the first customer for the ground water source.

3. Monitoring requirements. A ground water system subject to the requirements of subsection (4)(A), or paragraph (4)(B)1. or (4)(B)2. of this rule must monitor the effectiveness and reliability of treatment for that ground water source before or at the first customer as follows:

A. Chemical disinfection.

(I) A ground water system that serves greater than three thousand three hundred (3,300) people must continuously monitor the residual disinfectant concentration using analytical methods specified in 10 CSR 60-5.010(5) at a location approved by the department and must record the lowest residual disinfectant concentration each day that water from the ground water source is served to the public. The ground water system must maintain the department-determined residual disinfectant concentration every day the ground water system serves water from the ground water source to the public. If there is a failure in the continuous monitoring equipment, the ground water system must conduct grab sampling every four (4) hours until the continuous monitoring equipment is returned to service. The system must resume continuous residual disinfectant monitoring within fourteen (14) days.

(II) A ground water system that serves three thousand three hundred (3,300) or fewer people must monitor the residual disinfectant concentration using analytical methods specified in 10 CSR 60-5.010(5) at a location approved by the department and record the residual disinfection concentration each day that water from the ground water source is served to the public. The ground water system must maintain the department-determined residual disinfectant concentration every day the ground water system serves water from the ground water source to the public. The ground water system must take a daily grab sample during the hour of peak flow or at another time specified by the department. If any daily grab sample measurement falls below the department-determined residual disinfectant concentration, the ground water system must take follow-up samples every four (4) hours until the residual disinfectant concentration is restored to the department-determined level. Alternatively, a ground water system that serves three thousand three hundred (3,300) or fewer people may monitor continuously and meet the requirements in part (I) of this subparargraph (4)(B)3.A.

B. Membrane filtration. A ground water system that uses membrane filtration to meet the requirements of this rule must monitor the membrane filtration process in accordance with all department-specified monitoring requirements and must operate the membrane filtration in accordance with all department-specified compliance requirements. The department will consider the manufacturer's recommendations and guidelines as well as standard industry practices in setting monitoring and compliance requirements. A ground water system that uses membrane filtration is in compliance with the requirement to achieve at least 4-log removal of viruses when—

(I) The membrane has an absolute molecular weight cut-off, or an alternate parameter that describes the exclusion characteristics of the membrane, that can reliably achieve at least 4-log removal of viruses;

(II) The membrane process is operated in accordance with department-specified compliance requirements; and

(III) The integrity of the membrane is intact.

C. Alternative treatment. A ground water system that uses a department-approved alternative treatment to meet the requirements of this rule by providing at least 4-log treatment of viruses before or at the first customer must monitor the alternative treatment in accordance with all department-specified monitoring requirements and operate the alternative treatment in accordance with all compliance requirements that the department determines to be necessary to achieve at least 4-log treatment of viruses. The department will consider the manufacturer's recommendations and guidelines as well as standard industry practices in setting monitoring and compliance requirements for the approved alternative treatment.

(C) Discontinuing Treatment. A ground water system may discontinue 4-log treatment of viruses before or at the first customer for a

ground water source if the department determines and documents in writing that 4-log treatment of viruses is no longer necessary for that ground water source. A system that discontinues 4-log treatment of viruses is subject to the source water monitoring and analytical methods requirements of section (3) of this rule.

(D) Failure to meet the monitoring requirements of this section is a monitoring violation and requires the ground water system to provide public notification under section 10 CSR 60-8.010(4) (Tier 3 notice).

(5) Treatment Technique Violations for Ground Water Systems.

(A) A ground water system with a significant deficiency is in violation of the treatment technique requirement if, within one hundred twenty (120) days (or earlier if directed by the department) of receiving written notice from the department of the significant deficiency, the system—

1. Does not complete corrective action in accordance with any applicable department plan review processes or other department guidance and direction, including department-specified interim actions and measures; or

2. Is not in compliance with a department-approved corrective action plan and schedule.

(B) Unless the department invalidates a fecal indicator-positive ground water source sample under subsection (3)(D) of this rule, a ground water system is in violation of the treatment technique requirement if, within one hundred twenty (120) days (or earlier if directed by the department) of meeting the conditions of paragraph (4)(A)1. or (4)(A)2. of this rule, the system—

1. Does not complete corrective action in accordance with any applicable department plan review processes or other department guidance and direction, including department-specified interim measures; or

2. Is not in compliance with a department-approved corrective action plan and schedule.

(C) A ground water system subject to the requirements of paragraph (4)(B)3. of this rule that fails to maintain at least 4-log treatment of viruses before or at the first customer for a ground water source is in violation of the treatment technique requirement if the failure is not corrected within four (4) hours of determining the system is not maintaining at least 4-log treatment of viruses before or at the first customer.

(D) Ground water system must give public notification under section 10 CSR 60-8.010(3) (Tier 2 notice) for the treatment technique violations specified in this section.

(6) Reporting Requirements. Reporting requirements are in 10 CSR 60-7.010 Reporting Requirements.

(7) Record-Keeping Requirements. Record-keeping requirements are in 10 CSR 60-9.010 Requirements for Maintaining Public Water System Records.

AUTHORITY: section 640.100, RSMo Supp. 2009. Original rule filed April 14, 2010.

PUBLIC COST: This proposed rule is anticipated to cost the Missouri Department of Natural Resources approximately one hundred sixteen thousand six hundred eighty-one dollars ($116,681) in one (1)-time costs and $1,104,322 in ongoing annual costs and publicly-owned public water systems approximately $2,413,950 in one (1)-time costs and three hundred thirty-two thousand five hundred dollars ($332,500) in ongoing annual costs each year the rule is in effect.

PRIVATE COST: This proposed rule is anticipated to cost one thousand six hundred fifty-seven (1,657) privately-owned public water systems approximately $4,483,500 in one (1)-time costs and six hundred seventeen thousand five hundred dollars ($617,500) annually each year the rule is in effect.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Safe Drinking Water Commission will hold a public hearing on this proposed rulemaking at 10:00 a.m. on June 21, 2010, in the LaCharrette Conference Room, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri. The Public Drinking Water Branch will hold an information meeting from 9:30-9:55 a.m. on June 21, 2010, at the same location for an informal question and answer session on the rulemaking.

Any interested person may comment during the public hearing in support of or in opposition to the proposed rule. Written comments postmarked or received by June 30, 2010, will also be accepted. Written comments must be mailed to: Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102, or hand-delivered to the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

FISCAL NOTE
PUBLIC COST

I. Department Title: Department of Natural Resources
Division Title: Safe Drinking Water Commission
Chapter Title: Contaminant Levels and Monitoring

Rule Number and Name:	10 CSR 60-4.025 Ground Water Rule Monitoring and Treatment Technique Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	**Estimated Cost of Compliance in the Aggregate**
Missouri Department of Natural Resources (MDNR)	Estimated annual cost each year the rule is in effect = $1,104,322 Estimated one-time costs = $116,681
Publicly-owned public water systems using ground water	Estimated annual cost = $332,500 Estimated one-time costs = $2,413,950

III. WORKSHEET

MDNR Costs:

1. 9 FTEs - $1,094,322 (annual cost)
2. Electronic Sanitary Survey software - $10,000 (annual cost)
3. Computer system upgrade – SDWIS - $174,151 X 67% = $116,681 (one time cost)

Costs to publicly-owned ground water systems:

1. Capital costs and one-time administrative costs
   $6,897,000 x 35% of public water systems = $2,413,950 (one time cost)
2. Annual costs of compliance
   $950,000 x 35% of public water systems = $332,500 (annual cost)

IV. ASSUMPTIONS

MDNR Costs:

1. MDNR estimates that it will take nine additional FTEs located in both the Regional Offices and the Public Drinking Water Branch (PDWB) to implement the GWR. This includes three FTE for the PDWB and six FTE for the regional offices. The FTE for the PDWB includes:
   - One Environmental Specialist III (ESIII) in the Monitoring Section to develop criteria for identifying which ground water systems have sources that are hydrogeologically sensitive to potential fecal contamination, a sampling program for sensitive wells, and guidance for water systems; providing technical assistance and training; tracking data to identify systems that will be required to disinfect; coordinating entry of sample results; tracking sanitary survey information and compliance monitoring data; reporting violations to SDWIS and coordinating with the Compliance and Enforcement Section on NOVs; assist non-compliant water systems in understanding complex regulatory requirements; and provide information and technical assistance regarding available treatment or other compliance alternatives.
   - One ESIII in the Compliance and Enforcement Section to coordinate with non-compliant water suppliers to establish schedules for returning to compliance; assisting non-compliant water systems in understanding complex regulatory requirements; review and process variance and exemption applications; initiate formal enforcement actions as necessary; coordinate with and

consistent manner. Customizing the ESS for Missouri has also required a separate contract with the firm that developed the ESS software for EPA. The contract cost is $10,000 per year.

Publicly owned public water system costs

9. There are a total of 2,543 public water systems in Missouri that either have their own ground water source(s) or purchase ground water. Of that total, 886 or 35% are publicly owned and 1,657 or 65% are privately owned.
10. The nature and magnitude of the impact of the GWR on Missouri's public water systems can be expected to range from minimal costs associated with source water sample collection, assisting with sanitary surveys, record keeping and reporting to more extensive costs to implement corrective actions (installing/operating treatment, drilling a new well), installing compliance monitoring equipment and performing the monitoring. The flexibility in the GWR makes it extremely difficult to estimate how many of Missouri's systems will be impacted by the GWR. Some systems that do not currently have a 4-log inactivation barrier in place and have a good bacteriological monitoring record under the Total Coliform Rule may opt to forego the expense of installing treatment and compliance monitoring equipment and to take triggered source water samples if the need arises. EPA did an extensive, detailed, nation-wide cost analysis for the GWR entitled: "Economic Analysis for the Ground Water Rule" (EPA 815-06-014). EPA summarized the cost presented in the Economic Analysis in the Final GWR published November 8, 2006 and published in the Federal Register, Volume 71, No. 216. EPA calculated how many water systems and their associated wells and entry points would be impacted by the various requirements in the GWR. They developed compliance forecast estimates using a Monte Carlo simulation model designed specifically for the GWR. MDNR used the national cost estimates developed by EPA and calculated a cost to Missouri systems using the ratio of Missouri's population of 5.9 million people to the national population of 304 million or 1.9%. In Table VII-6 on page 65623 of the aforementioned Federal Register EPA lists their total annualized cost estimate of approximately $50 million (mean value in 90% bound confidence limits) for systems nation-wide. This represents annual costs to water systems for assisting with sanitary surveys, performing source water and compliance monitoring and performing corrective actions. Since there is no way to know when exactly a given system may have to take corrective actions, EPA averaged the cost of significant deficiencies over a 25-year period which is the estimated life span of equipment. Applying the 1.9% ratio to the national costs yields an annual cost to Missouri systems of $950,000. EPA also presents an estimate of the capital costs associated with the GWR in Table VII-7, "Total Initial Capital and One-Time Costs"on page 65624 of the Federal Register. The majority of the costs will be capital costs associated with taking corrective actions for significant deficiencies or fecal positive source water samples (installing treatment, drilling a new well, hooking onto another system, installing compliance monitoring equipment). There are some administrative costs also that are one-time like water system staff learning the implementation requirements in the new rule. Once again MDNR used the median value in EPA's 90% confidence bound limits, which was total nationally of $363 million. Using the 1.9% ratio to estimate Missouri public water systems' capital costs would equate to $6,897,000.

FISCAL NOTE
PRIVATE COST

I. Department Title: Department of Natural Resources
Division Title: Safe Drinking Water Commission
Chapter Title: Contaminant Levels and Monitoring

Rule Number and Name:	10 CSR 60-4.025 Ground Water Rule Monitoring and Treatment Technique Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule	Classification by types of the business entities which would likely be affected	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
1,657	Privately-owned public water systems using ground water of a source of supply	One time costs = $4,483,500 Annual costs = $617,500

III. WORKSHEET

1. Capital and one-time administrative costs
   $6,897,000 x 65% privately owned public water systems = $4,483,050
2. Annual costs of compliance
   $950,000 x 65% privately owned public water systems = $617,500

IV. ASSUMPTIONS

1. There are a total of 2,543 public water systems in Missouri that either have their own ground water source(s) or purchase ground water. Of that total, 886 or 35% are publicly owned and 1,657 or 65% are privately owned.
2. The nature and magnitude of the impact of the GWR on Missouri's public water systems can be expected to range from minimal costs associated with source water sample collection, assisting with sanitary surveys, record keeping and reporting to more extensive costs to implement corrective actions (installing/operating treatment, drilling a new well), installing compliance monitoring equipment and performing the monitoring. The flexibility in the GWR makes it extremely difficult to estimate how many of Missouri's systems will be impacted by the GWR. Some systems that do not currently have a 4-log inactivation barrier in place and have a good bacteriological monitoring record under the Total Coliform Rule may opt to forego the expense of installing treatment and compliance monitoring equipment and to take triggered source water samples if the need arises. EPA did an extensive, detailed, nation-wide cost analysis for the GWR entitled: "Economic Analysis for the Ground Water Rule" (EPA 815-06-014). EPA summarized the cost presented in the Economic Analysis in the Final GWR published November 8, 2006 and published in the Federal Register, Volume 71, No. 216. EPA calculated how many water systems and their associated wells and entry points would be impacted by the various requirements in the GWR. They developed compliance forecast estimates using a Monte Carlo simulation model designed specifically for the GWR. MDNR used the national cost estimates developed by EPA and calculated a cost to Missouri systems using the ratio of Missouri's population of 5.9 million people to the national population of 304 million or 1.9%. In Table VII-6 on page 65623 of the aforementioned Federal Register EPA lists their total annualized cost estimate of approximately

$50 million (mean value in 90% bound confidence limits) for systems nation-wide. This represents annual costs to water systems for assisting with sanitary surveys, performing source water and compliance monitoring and performing corrective actions. Since there is no way to know when exactly a given system may have to take corrective actions, EPA averaged the cost of significant deficiencies over a 25-year period which is the estimated life span of equipment. Applying the 1.9% ratio to the national costs yields an annual cost to Missouri systems of $950,000. EPA also presents an estimate of the capital costs associated with the GWR in Table VII-7, "Total Initial Capital and One-Time Costs"on page 65624 of the Federal Register. The majority of the costs will be capital costs associated with taking corrective actions for significant deficiencies or fecal positive source water samples (installing treatment, drilling a new well, hooking onto another system, installing compliance monitoring equipment). There are some administrative costs also that are one-time like water system staff learning the implementation requirements in the new rule. Once again MDNR used the median value in EPA's 90% confidence bound limits, which was total nationally of $363 million. Using the 1.9% ratio to estimate Missouri public water systems' capital costs would equate to $6,897,000.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 5—Laboratory and Analytical Requirements

PROPOSED AMENDMENT

10 CSR 60-5.010 Acceptable and Alternate Procedures for Analyses. The commission is amending section (3) and adding section (9).

PURPOSE: This amendment updates the incorporation by reference of analytical methods as published in the July 1, 2008, ***Code of Federal Regulations****.*

(3) Microbiological Contaminants and Turbidity. Unless substitute methods are approved by the department, analysis shall be conducted in accordance with the microbiological contaminant and turbidity analytical methods in 40 CFR 141.21(f) *[and]*, 40 CFR 141.74(a)(1)**, and 40 CFR 141.704(a)** of the July 1, *[2003]* **2008**, *Code of Federal Regulations*, which are incorporated by reference. **This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.**

(9) Analytical Methods for Source Water Monitoring. Unless substitute methods are approved by the department, analysis shall be conducted in accordance with the analytical methods in 40 CFR 141.402(c) of the July 1, 2008, *Code of Federal Regulations*, which are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.

AUTHORITY: section 640.100, RSMo Supp. [2008] ***2009*** *and section 640.125.1, RSMo 2000. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed April 14, 2010.*

PUBLIC COST: This proposed amendment will cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Safe Drinking Water Commission will hold a public hearing on this proposed rulemaking at 10:00 a.m. on June 21, 2010, in the LaCharrette Conference Room, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri. The Public Drinking Water Branch will hold an information meeting from 9:30-9:55 a.m. on June 21, 2010, at the same location for an informal question and answer session on the rulemaking.

Any interested person may comment during the public hearing in support of or in opposition to the proposed amendment. Written comments postmarked or received by June 30, 2010, will also be accepted. Written comments must be mailed to: Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102, or hand-delivered to the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 7—Reporting

PROPOSED AMENDMENT

10 CSR 60-7.010 Reporting Requirements. The commission is adding section (11).

PURPOSE: This amendment adopts without variance the reporting requirements in the federal Ground Water Rule found in subpart S of 40 CFR part 141, July 1, 2008.

(11) Reporting Requirements for the Ground Water Rule.

(A) In addition to any other applicable reporting requirements of this rule, a ground water system regulated under 10 CSR 60-4.025 must provide the following information to the department:

1. A ground water system conducting compliance monitoring under 10 CSR 60-4.025(4)(B) must notify the department any time the system fails to meet any department-specified requirements including, but not limited to, minimum residual disinfectant concentration, membrane operating criteria or membrane integrity, and alternative treatment operating criteria, if operation in accordance with the criteria or requirements is not restored within four (4) hours. The ground water system must notify the department as soon as possible, but in no case later than the end of the next business day;

2. After completing any corrective action under 10 CSR 60-4.025(4)(A), a ground water system must notify the department within thirty (30) days of completion of the corrective action; and

3. If a ground water system subject to the requirements of 10 CSR 60-4.025(3)(A) does not conduct source water monitoring under subparagraph (3)(A)5.B. of that rule, the system must provide documentation to the department within thirty (30) days of the total coliform-positive sample that the system met the department criteria.

AUTHORITY: section 640.100, RSMo Supp. [2008] ***2009****. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed April 14, 2010.*

PUBLIC COST: This proposed amendment is anticipated to cost publicly-owned public water systems using ground water as a source of supply approximately twelve thousand seven hundred twenty dollars ($12,720) in aggregate annual costs.

PRIVATE COST: This proposed amendment is anticipated to cost ninety-seven (97) privately-owned public water systems using ground water as a source of supply approximately twenty-three thousand two hundred eighty dollars ($23,280) in aggregate annual costs.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Safe Drinking Water Commission will hold a public hearing on this proposed rulemaking at 10:00 a.m. on June 21, 2010, in the LaCharrette Conference Room, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri. The Public Drinking Water Branch will hold an information meeting from 9:30-9:55 a.m. on June 21, 2010, at the same location for an informal question and answer session on the rulemaking.

Any interested person may comment during the public hearing in support of or in opposition to the proposed amendment. Written comments postmarked or received by June 30, 2010, will also be accepted. Written comments must be mailed to: Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102, or hand-delivered to the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

FISCAL NOTE
PUBLIC COST

I. **Department Title:** **Department of Natural Resources**
Division Title: **Safe Drinking Water Commission**
Chapter Title: **Reporting**

Rule Number and Name:	10 CSR 60-7.010 Reporting Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	**Estimated Cost of Compliance in the Aggregate**
Publicly owned public water systems using ground water as a source of supply	$12,720 total annual cost for all systems

III. WORKSHEET

20 systems x 35 percent = 7 systems
40 systems x 35 percent = 14 systems
200 systems x 35 percent = 70
53 systems x 1 hour per monthly report x 12 months = 636 hours annually
636 hours x $20.00 per hour = $12,720 annual cost for all systems

IV. ASSUMPTIONS

1. MDNR estimates this rule will affect 150 public water systems. Thirty-five percent of the systems affected by this rule are publicly owned and 65% are privately owned.

2. MDNR assumes it will take water system staff approximately one hour to complete the report at an average cost of approximately $20.00 per hour.

FISCAL NOTE
PRIVATE COST

I. Department Title: **Department of Natural Resources**
Division Title: **Safe Drinking Water Commission**
Chapter Title: **Reporting**

Rule Number and Name:	10 CSR 60-7.010 Reporting Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule	Classification by types of the business entities which would likely be affected	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
97	Privately-owned public water systems using ground water as a source of supply	$23,280 total annual cost for all systems

III. WORKSHEET

150 systems x 65 percent = 97 affected privately owned public water systems
97 systems x 1 hour per monthly report x 12 months = 1164 hours annually
1164 hours x $20.00 per hour = $23,280 annual cost for all systems

IV. ASSUMPTIONS

1. MDNR estimates this rule will affect 150 public water systems. Thirty-five percent of the systems affected by this rule are publicly owned and 65% are privately owned.

2. MDNR assumes it will take water system staff approximately one hour to complete the report at an average cost of approximately $20.00 per hour.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 8—Public Notification

PROPOSED AMENDMENT

10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply. The commission is amending subsections (2)(A) and (3)(A) and section (11).

PURPOSE: This amendment adopts new public notice requirements required by the Ground Water Rule found in 40 CFR part 141, July 1, 2008. The requirements are adopted from the federal rule without variance.

(2) Tier 1 Public Notice.

(A) Violation Categories and Other Situations Requiring a Tier 1 Public Notice.

1. Tier 1 public notice is required for violations or other situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.

2. Specific violations and other situations requiring Tier 1 notice include:

A. Violation of the MCL for total coliforms when fecal coliform or *E. coli* are present in the water distribution system, or when the water system fails to test for fecal coliforms or *E. coli* when any repeat sample tests positive for coliform;

B. Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, or when the water system fails to take a confirmation sample within twenty-four (24) hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL;

C. Exceedance of the nitrate MCL by noncommunity water systems where permitted by the department to exceed the MCL;

D. Violation of the MRDL for chlorine dioxide, when one (1) or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system, exceed the MRDL, or when the water system does not take the required samples in the distribution system;

E. Violation of the maximum turbidity level where the sample results exceed five (5) nephelometric turbidity units (NTU);

F. Violation of a treatment technique requirement pursuant to 10 CSR 60-4.050 resulting from a single exceedance of the maximum allowable turbidity limit, where the department determines after consultation that the violation has significant potential to have serious adverse effects on human health or where the system fails to consult with the department within twenty-four (24) hours after the system learns of the violation;

G. Occurrence of a waterborne disease outbreak or other waterborne emergency (such as failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);

H. Detection of *E. coli*, entercocci, or coliphage in source water samples as specified in 10 CSR 60-4.025(3)(A) and 10 CSR 60-4.025(3)(B); and

*[H.]***I.** Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the department either in regulation or on a case-by-case basis.

(3) Tier 2 Public Notice.

(A) Violation Categories and Other Situations Requiring a Tier 2 Public Notice.

1. Tier 2 public notice is required for violations and other situations with potential to have serious adverse effects on human health.

2. Specific violations and other situations requiring Tier 2 notice.

A. Tier 2 notice is required for violations of MCL, MRDL, or treatment technique requirements, except where a Tier 1 notice is required or where the department determines that a Tier 1 notice is required, for the following: microbiological contaminants; inorganic contaminants (IOCs); synthetic organic contaminants (SOCs); volatile organic contaminants (VOCs); radiological contaminants; disinfection byproducts, byproduct precursors, and disinfectant residuals; treatment techniques for acrylamide, epichlorohydrin, lead, and copper; and other situations determined by the department to require Tier 2 notice. Systems with treatment technique violations involving a single exceedance of a maximum turbidity limit under 10 CSR 60-4.050 must initiate consultation with the department within twenty-four (24) hours of learning of the violation. Based on this consultation the department may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the department in the twenty-four (24)-hour period, the violation is automatically elevated to Tier 1.

B. Failure to comply with the terms and conditions of a variance or exemption*[; and]***.**

C. Violations of the monitoring and testing procedure requirements where the department determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation. This includes but is not limited to collecting no total coliform samples during the applicable monitoring period at the discretion of the department.

D. Failure to take corrective action or failure to maintain at least 4-log treatment of viruses (using inactivation, removal, or a department-approved combination of 4-log virus inactivation and removal) before or at the first customer under 10 CSR 60-4.025(4)(A).

(11) Standard Health Effects Language for Public Notification.

(A) Microbiological Contaminants.

1. Total coliform. "Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems."

2. Fecal coliform/*E. coli*. "Fecal coliforms and *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems."

3. Fecal indicators under the Ground Water Rule (*E. coli*, enterococci, coliphage). "Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems."

4. Treatment technique violations under the Ground Water Rule. "Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches."

*[3.]***5.** Turbidity. "Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."

*AUTHORITY: section 640.100, RSMo Supp. [2008] **2009**. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 14, 2010.*

PUBLIC COST: This proposed amendment is anticipated to cost publicly-owned public water systems using ground water as a source of supply approximately one thousand five hundred dollars ($1,500) in aggregate annual costs.

PRIVATE COST: This proposed amendment is anticipated to cost one hundred sixty-nine (169) privately-owned public water systems using ground water as a source of supply approximately two thousand seven hundred fifty dollars ($2,750) in aggregate annual costs.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Safe Drinking Water Commission will hold a public hearing on this proposed rulemaking at 10:00 a.m. on June 21, 2010, in the LaCharrette Conference Room, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri. The Public Drinking Water Branch will hold an information meeting from 9:30-9:55 a.m. on June 21, 2010, at the same location for an informal question and answer session on the rulemaking.

Any interested person may comment during the public hearing in support of or in opposition to the proposed amendment. Written comments postmarked or received by June 30, 2010, will also be accepted. Written comments must be mailed to: Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or hand-delivered to the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

FISCAL NOTE
PUBLIC COST

I. **Department Title:** **Department of Natural Resources**
Division Title: **Safe Drinking Water Commission**
Chapter Title: **Public Notification**

Rule Number and Name:	10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	**Estimated Cost of Compliance in the Aggregate**
Publicly owned public water systems using ground water as a source of supply	$1,500 total annual cost for 30 systems

III. WORKSHEET

20 systems failing to maintain 4-log x 35 percent = 7 systems
40 systems with *E. coli* positive source samples x 35 percent = 14 systems
25 systems with significant deficiencies requiring public notice x 35 percent = 9 systems

(7+14+9 systems) x 50 connections per system x $1.00 per public notice = $1,500 annual cost for all systems

IV. ASSUMPTIONS

1. Of the systems affected by this rule, 35% are publicly owned and 65% are privately owned.
2. Most of the systems affected this rule will be small systems. MDNR assumes an average of 50 connections per system. In most cases, the rule require mailing the public notice to each connection.
3. Based on monitoring data, MDNR estimates that 40 systems annually will need to perform public notice due to having *E.coli* positive source water samples.
4. Based on monitoring data, MDNR estimates that 20 systems annually will need to perform public notice due to failure to maintain 4-log.
5. MDNR assumes 200 systems may have significant deficiencies requiring corrective actions. MDNR estimates that 25 of these systems will fail to perform the corrective action or enter into an agreement specifying a timeline to correct the deficiency, thereby requiring public notice.

FISCAL NOTE
PRIVATE COST

I. **Department Title:** **Department of Natural Resources**
Division Title: **Safe Drinking Water Commission**
Chapter Title: **Public Notification**

Rule Number and Name:	10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule	Classification by types of the business entities which would likely be affected	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
55	Privately-owned public water systems using ground water as a source of supply	$2,750 total annual cost

III. WORKSHEET

20 systems failing to maintain 4-log x 65 percent = 13 systems
40 systems with *E. coli* positive source samples x 65 percent = 26 systems
25 systems with significant deficiencies x 65 percent = 16 systems

(13+26+16 systems) x 50 connections per system x $1.00 per public notice = $2,750 annual cost for all systems

IV. ASSUMPTIONS

1. Of the systems affected by this rule, 35% are publicly owned and 65% are privately owned.
2. Most of the systems affected this rule will be small systems. MDNR assumes an average of 50 connections per system. In most cases, the rule require mailing the public notice to each connection.
3. Based on monitoring data, MDNR estimates that 40 systems annually will need to perform public notice due to having *E.coli* positive source water samples.
4. Based on monitoring data, MDNR estimates that 20 systems annually will need to perform public notice due to failure to maintain 4-log.
5. MDNR assumes 200 systems may have significant deficiencies requiring corrective actions. MDNR estimates that 25 of these systems will fail to perform the corrective action or enter into an agreement specifying a timeline to correct the deficiency, thereby requiring public notice.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 8—Public Notification

PROPOSED AMENDMENT

10 CSR 60-8.030 Consumer Confidence Reports. The commission is amending subsection (2)(H) and Appendices A and B.

PURPOSE: This amendment adopts without variance consumer confidence report requirements included in the Ground Water Rule as published in the July 1, 2008, ***Code of Federal Regulations****.*

(2) Content of the Reports.

(H) Additional Information.

1. The report must contain a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water, including bottled water. The report must include the language of subparagraph (2)(H)1.A. of this rule. This explanation must also include the information contained in subparagraphs (2)(H)1.B.–D. of this rule using this language or comparable language.

A. "Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791)."

B. "The sources of drinking water*[,]* (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity."

C. "Contaminants that may be present in source water include:

(I) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

(II) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

(III) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban storm water runoff, and residential uses.

(IV) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.

(V) Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities."

D. "In order to ensure that tap water is safe to drink, the Department of Natural Resources prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. Department of Health **and Senior Services** regulations establish limits for contaminants in bottled water which must provide the same protection for public health."

2. The report must include the telephone number of the owner, operator, or designee of the community water system as a source of additional information concerning the report.

3. In communities with a large proportion of non-English speaking residents, as determined by the department, the report must contain information in the appropriate language(s) regarding the importance of the report. The report may use a notice based on the following wording: "This report contains very important information about your drinking water. Translate it or speak with someone who understands it." The report may also contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

4. The report must include information (e.g., time and place of regularly scheduled board meetings) about opportunities for public participation in decisions that may affect the quality of the water.

5. The systems may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report.

6. Systems required to comply with the Ground Water Rule.

A. Any ground water system that receives notice from the department of a significant deficiency or notice from a laboratory of a fecal indicator-positive ground water source sample that is not invalidated by the department under 10 CSR 60-4.025 (3)(D) must inform its customers of any significant deficiency that is uncorrected or of any fecal indicator-positive ground water source sample in the next report. The system must continue to inform the public annually until the department determines that the significant deficiency is corrected or the fecal contamination in the ground water source is addressed under 10 CSR 60-4.025(4)(A). Each report must include the following:

(I) The nature of the particular significant deficiency or the source of the fecal contamination (if the source is known) and the date the significant deficiency was identified by the department or the dates of the fecal indicator-positive ground water source samples;

(II) If the fecal contamination in the ground water source has been addressed under 10 CSR 60-4.025(4)(A) and the date of such action;

(III) For each significant deficiency or fecal contamination in the ground water source that has not been addressed under 10 CSR 60-4.025(4)(A), the department-approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed; and

(IV) If the system receives notice of a fecal indicator-positive ground water source sample that is not invalidated by the department under 10 CSR 60-4.025 (3)(D), the potential health effects using the health effects language of Appendix C of this rule.

B. If directed by the department, a system with significant deficiencies that have been corrected before the next Consumer Confidence Report is issued must inform its customers of the significant deficiency, how the deficiency was corrected, and the date of correction under subparagraph (2)(H)6.A. of this rule.

Appendix A to 10 CSR 60-8.030
Converting MCL Compliance Values for Consumer Confidence Reports

Key

AL = Action Level
MCL = Maximum Contaminant Level
MCLG = Maximum Contaminant Level Goal
MFL = million fibers per liter
mrem/year = millirems per year (a measure of radiation absorbed by the body)
NTU = Nephelometric Turbidity Units
pCi/l = picocuries per liter (a measure of radioactivity)
ppm = parts per million, or milligrams per liter (mg/l)
ppb = parts per billion, or micrograms per liter (μg/l)
ppt = parts per trillion, or nanograms per liter
ppq = parts per quadrillion, or picograms per liter
TT = Treatment Technique

Contaminant	**MCL in compliance units (mg/l/l/L)**	**multiply by**	**MCL in CCR units**	**MCLG in CCR units**
Microbiological Contaminants				
1. Total Coliform Bacteria	(Systems that collect 40 or more samples per month) ≥5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.		(Systems that collect 40 or more samples per month) ≥5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.	0
2. Fecal coliform and *E. coli*	0		A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or *E. coli* positive.	0
3. Total organic carbon (ppm)	TT		TT	n/a
4. Turbidity	TT		TT (NTU)	n/a
5. Fecal TT Indicators (enterococci or coliphage)	**TT**			**N/A**
Radioactive Contaminants				
/5./**6.** Beta/photon emitters	4 mrem/yr		4 mrem/yr	0
/6./**7.** Alpha emitters	15 pCi/l		15 pCi/l	0
/7./**8.** Combined radium	5 pCi/l		5 pCi/l	0
/8./**9.** Uranium (pCi/l)	30μg/l		30	0
Inorganic Contaminants				
/9./**10.** Antimony	.006	1000	6 ppb	6
/10./**11.** Arsenic	0.05* 0.010**	1000	50 ppb* 10 ppb**	n/a* 0**
*These arsenic values are effective until Jan. 23, 2006. **These arsenic values are effective Jan. 23, 2006.				
/11./**12.** Asbestos	7 MFL		7 MFL	7
/12./**13.** Barium	2		2 ppm	2
/13./**14.** Beryllium	0.004	1000	4 ppb	4
/14./**15.** Bromate (ppb)	0.010	1000	10	0
/15./**16.** Cadmium	0.005	1000	5 ppb	5
/16./**17.** Chloramines (ppm)	MRDL=4		MRDL=4	4
/17./**18.** Chlorine (ppm)	MRDL=4		MRDL=4	4
/18./**19.** Chlorine dioxide (ppb)	MRDL=.8	1000	MRDL=.8	800
/19./**20.** Chlorite (ppm)	1		1	0.8
/20./**21.** Chromium	0.1	1000	100 ppb	100
/21/**22.** Copper	AL=1.3		AL=1.3 ppm	1.3
/22./**23.** Cyanide	0.2	1000	200 ppb	200
/23./**24.** Fluoride	4		4 ppm	4
/24./**25.** Lead	AL=.015	1000	AL=15 ppb	0
/25./**26.** Mercury (inorganic)	0.002	1000	2 ppb	2
/26./**27.** Nitrate (as Nitrogen)	10		10 ppm	10
/27./**28.** Nitrite (as Nitrogen)	1		1 ppm	1
/28./**29.** Selenium	0.05	1000	50 ppb	50
/29./**30.** Thallium	0.002	1000	2 ppb	0.5

Synthetic Organic Contaminants Including Pesticides and Herbicides				
*/30./***31.** 2,4-D	0.07	1000	70 ppb	70
*/31./***32.** 2,4,5-TP [Silvex]	0.05	1000	50 ppb	50
*/32./***33.** Acrylamide			TT	0
*/33./***34.** Alachlor	0.002	1000	2 ppb	0
*/34./***35.** Atrazine	0.003	1000	3 ppb	3
*/35./***36.** Benzo(a)pyrene [PAH]	0.0002	1,000,000	200 ppt	0
*/36./***37.** Carbofuran	0.04	1000	40 ppb	40
*/37./***38.** Chlordane	0.002	1000	2 ppb	0
*/38./***39.** Dalapon	0.2	1000	200 ppb	200
*/39./***40.** Di(2-ethylhexyl)adipate	0.4	1000	400 ppb	400
*/40./***41.** Di(2-ethylhexyl)phthalate	0.006	1000	6 ppb	0
*/41./***42.** Dibromochloropropane	0.0002	1,000,000	200 ppt	0
*/42./***43.** Dinoseb	0.007	1000	7 ppb	7
*/43./***44.** Diquat	0.02	1000	20 ppb	20
*/44./***45.** Dioxin [2,3,7,8-TCDD]	0.00000003	1,000,000,000	30 ppq	0
*/45./***46.** Endothall	0.1	1000	100 ppb	100
*/46./***47.** Endrin	0.002	1000	2 ppb	2
*/47./***48.** Epichlorohydrin	TT		TT	0
*/48./***49.** Ethylene dibromide	0.00005	1,000,000	50 ppt	0
*/49./***50.** Glyphosate	0.7	1000	700 ppb	700
*/50./***51.** Heptachlor	0.0004	1,000,000	400 ppt	0
*/51./***52.** Heptachlor epoxide	0.0002	1,000,000	200 ppt	0
*/52./***53.** Hexachlorobenzene	0.001	1000	1 ppb	0
*/53./***54.** Hexachloro-cyclopentadiene	0.05	1000	50 ppb	50
*/54./***55.** Lindane	0.0002	1,000,000	200 ppt	200
*/55./***56.** Methoxychlor	0.04	1000	40 ppb	40
*/56./***57.** Oxamyl [Vydate]	0.2	1000	200 ppb	200
*/57./***58.** PCBs [Polychlorinated biphenyls]	0.0005	1,000,000	500 ppt	0
*/58./***59.** Pentachlorophenol	0.001	1000	1 ppb	0
*/59./***60.** Picloram	0.5	1000	500 ppb	500
*/60./***61.** Simazine	0.004	1000	4 ppb	4
*/61./***62.** Toxaphene	0.003	1000	3 ppb	0
Volatile Organic Contaminants				
*/62./***63.** Benzene	0.005	1000	5 ppb	0
*/63./***64.** Carbon tetrachloride	0.005	1000	5 ppb	0
*/64./***65.** Chlorobenzene	0.1	1000	100 ppb	100
*/65./***66.** o-Dichlorobenzene	0.6	1000	600 ppb	600
*/66./***67.** p-Dichlorobenzene	0.075	1000	75 ppb	75
*/67./***68.** 1,2-Dichloroethane	0.005	1000	5 ppb	0
*/68./***69.** 1,1-Dichloroethylene	0.007	1000	7 ppb	7
*/69./***70.** cis-1,2-Dichloroethylene	0.07	1000	70 ppb	70
*/70./***71.** trans-1,2-Dichloroethylene	0.1	1000	100 ppb	100
*/71./***72.** Dichloromethane	0.005	1000	5 ppb	0
*/72./***73.** 1,2-Dichloropropane	0.005	1000	5 ppb	0
*/73./***74.** Ethylbenzene	0.7	1000	700 ppb	700
*/74/***75.** Haloacetic Acids (HAA) (ppb)	0.060	1000	60	n/a
*/75./***76.** Styrene	0.1	1000	100 ppb	100
*/76./***77.** Tetrachloroethylene	0.005	1000	5 ppb	0
*/77./***78.** 1,2,4-Trichlorobenzene	0.07	1000	70 ppb	70
*/78./***79.** 1,1,1-Trichloroethane	0.2	1000	200 ppb	200
*/79./***80.** 1,1,2-Trichloroethane	0.005	1000	5 ppb	3
*/80./***81.** Trichloroethylene	0.005	1000	5 ppb	0

*/81./***82.** TTHMs **[**Total trihalomethanes**]**	0.10/.080	1000	100/80 ppb	n/a
*/82./***83.** Toluene	1		1 ppm	1
*/83./***84.** Vinyl Chloride	0.002	1000	2 ppb	0
*/84./***85.** Xylenes	10		10 ppm	10

Appendix B to 10 CSR 60-8.030
Regulated Contaminants

Key

AL=Action Level
MCL=Maximum Contaminant Level
MCLG=Maximum Contaminant Goal
MFL=million fibers per liter
mrem/year=millirems per year (a measure of radiation absorbed by the body)
NTU=Nephelometric Turbidity Units
pCi/l=picocuries per liter (a measure of radioactivity)
ppm=parts per million, or milligrams per liter (mg/l)
ppb=parts per billion, or micrograms per liter (μg/l)
ppt=parts per trillion, or nanograms per liter
ppq=parts per quadrillion, or picograms per liter
TT=Treatment Technique

Contaminant (units)	MCLG	MCL	Major sources in drinking water
Microbiological Contaminants			
1. Total Coliform Bacteria	0	(Systems that collect 40 or more samples per month) ≥5% of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.	Naturally present in the environment.
2. Fecal coliform and *E. coli*	0	A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or *E. coli* positive.	Human and animal fecal waste.
3. Total organic carbon (ppm)	n/a	TT	Naturally present in the environment.
4. Turbidity	n/a	TT	Soil runoff.
5. Fecal N/A Indicators (enterococci or coliphage)	**TT**		**Human and animal fecal waste.**
Radioactive Contaminants			
*/5./***6.** Beta/photon emitters (mrem/yr)	0	4	Decay of natural and man-made deposits.
*/6./***7.** Alpha emitters (pCi/l)	0	15	Erosion of natural deposits.
*/7./***8.** Combined radium (pCi/l)	0	5	Erosion of natural deposits.
*/8./***9.** Uranium	0	30	Erosion of natural deposits.
Inorganic Contaminants			
*/9./***10.** Antimony (ppb)	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.
*/10./***11.** Arsenic (ppb)	n/a[1] 0[2]	50[1] 10[2]	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.
[1]These arsenic values are effective until Jan. 23, 2006. [2]These arsenic values are effective Jan. 23, 2006.			
*/11./***12.** Asbestos (MFL)	7	7	Decay of asbestos cement water mains; Erosion of natural deposits.

*[12.]***13.** Barium (ppm)	2	2	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.
*[13.]***14.** Beryllium (ppb)	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries.
[14.] **15.** Bromate (ppb)	0	10	By-product of drinking water disinfection.
*[15.]***16.** Cadmium (ppb)	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Runoff from waste batteries and paints.
*[16.]***17.** Chloramines (ppm)	MRDLG=4	MRDL=4	Water additive used to control microbes.
*[17.]***18.** Chlorine (ppm)	MRDL=4	MRDL=4	Water additive used to control microbes
*[18.]***19.** Chlorine dioxide (ppb)	MRDLG=800	MRDL=800	Water additive used to control microbes
*[19.]***20.** Chlorite (ppm)	0.8	1	By-product of drinking water disinfection.
*[20.]***21.** Chromium (ppb)	100	100	Discharge from steel and pulp mills; Erosion of natural deposits.
*[21.]***22.** Copper (ppm)	1.3	AL=1.3	Corrosion of household plumbing systems; Erosion of natural deposits.
*[22.]***23.** Cyanide (ppb)	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories.
*[23.]***24.** Fluoride (ppm)	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories.
*[24.]***25.** Lead (ppb)	0	AL=15	Corrosion of household plumbing systems; Erosion of natural deposits.
*[25.]***26.** Mercury **[**inorganic**]** (ppb)	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland.
*[26.]***27.** Nitrate **[**as Nitrogen**]** (ppm)	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
*[27.]***28.** Nitrite **[**as Nitrogen**]** (ppm)	1	1	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
*[28.]***29.** Selenium (ppb)	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.
*[29.]***30.** Thallium (ppb)	0.5	2	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories.
Synthetic Organic Contaminants Including Pesticides and Herbicides			
*[30.]***31.** 2,4-D (ppb)	70	70	Runoff from herbicide used on row crops.
*[31.]***32.** 2,4,5-TP **[**Silvex**]** (ppb)	50	50	Residue of banned herbicide.
*[32.]***33.** Acrylamide	0	TT	Added to water during sewage/wastewater treatment.
*[33.]***34.** Alachlor (ppb)	0	2	Runoff from herbicide used on row crops.
*[34.]***35.** Atrazine (ppb)	3	3	Runoff from herbicide used on row crops.
*[35.]***36.** Benzo(a)pyrene **[**PAH**]** (nanograms/l)	0	200	Leaching from linings of water storage tanks and distribution lines.
*[36.]***37.** Carbofuran (ppb)	40	40	Leaching of soil fumigant used on rice and alfalfa.
*[37.]***38.** Chlordane (ppb)	0	2	Residue of banned termiticide.
*[38.]***39.** Dalapon (ppb)	200	200	Runoff from herbicide used on rights of way.
*[39.]***40.** Di(2-ethylhexyl)adipate (ppb)	400	400	Discharge from chemical factories.
*[40.]***41.** Di(2-ethylhexyl)phthalate (ppb)	0	6	Discharge from rubber and chemical factories.
*[41.]***42.** Dibromochloropropane (ppt)	0	200	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.
*[42.]***43.** Dinoseb (ppb)	7	7	Runoff from herbicide used on soybeans and vegetables.

/43./**44.** Diquat (ppb)	20	20	Runoff from herbicide use.
/44./**45.** Dioxin [2,3,7,8-TCDD] (ppq)	0	30	Emissions from waste incineration and other combustion; Discharge from chemical factories.
/45./**46.** Endothall (ppb)	100	100	Runoff from herbicide use.
/46./**47.** Endrin (ppb)	2	2	Residue of banned insecticide.
/47./**48.** Epichlorohydrin	0	TT	Discharge from industrial chemical factories; An impurity of some water treatment chemicals.
/48./**49.** Ethylene dibromide (ppt)	0	50	Discharge from petroleum refineries.
/49./**50.** Glyphosate (ppb)	700	700	Runoff from herbicide use.
/50./**51.** Heptachlor (ppt)	0	400	Residue of banned termiticide.
/51./**52.** Heptachlor epoxide (ppt)	0	200	Breakdown of heptachlor.
/52./**53.** Hexachlorobenzene (ppb)	0	1	Discharge from metal refineries and agricultural chemical factories.
/53./**54.** Hexachlorocyclopentadiene (ppb)	50	50	Discharge from chemical factories.
/54./**55.** Lindane (ppt)	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens.
/55./**56.** Methoxychlor (ppb)	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, and livestock.
/56./**57.** Oxamyl [Vydate](ppb)	200	200	Runoff/leaching from insecticide used on apples, potatoes and tomatoes.
/57./**58.** PCBs [Polychlorinated biphenyls] (ppt)	0	500	Runoff from landfills; Discharge of waste chemicals.
/58./**59.** Pentachlorophenol (ppb)	0	1	Discharge from wood preserving factories.
/59./**60.** Picloram (ppb)	500	500	Herbicide runoff.
/60./**61.** Simazine (ppb)	4	4	Herbicide runoff.
/61./**62.** Toxaphene (ppb)	0	3	Runoff/leaching from insecticide used on cotton and cattle.
Volatile Organic Contaminants			
/62./**63.** Benzene (ppb)	0	5	Discharge from factories; Leaching from gas storage tanks and landfills.
/63./**64.** Carbon tetrachloride (ppb)	0	5	Discharge from chemical plants and other industrial activities.
/64./**65.** Chlorobenzene (ppb)	100	100	Discharge from chemical and agricultural chemical factories.
/65./**66.** o-Dichlorobenzene (ppb)	600	600	Discharge from industrial chemical factories.
/66./**67.** p-Dichlorobenzene (ppb)	75	75	Discharge from industrial chemical factories.
/67./**68.** 1,2-Dichloroethane (ppb)	0	5	Discharge from industrial chemical factories.
/68./**69.** 1,1-Dichloroethylene (ppb)	7	7	Discharge from industrial chemical factories.
/69./**70.** cis-1,2-Dichloroethylene (ppb)	70	70	Discharge from industrial chemical factories.
/70./**71.** trans-1,2-Dichloroethylene (ppb)	100	100	Discharge from industrial chemical factories.
/71./**72.** Dichloromethane (ppb)	0	5	Discharge from pharmaceutical and chemical factories.
/72./**73.** 1,2-Dichloropropane (ppb)	0	5	Discharge from industrial chemical factories.
/73./**74.** Ethylbenzene (ppb)	700	700	Discharge from petroleum refineries.
/74./**75.** Haloacetic Acids (HAA) (ppb)	n/a	60	By-product of drinking water disinfection.
/75./**76.** Styrene (ppb)	100	100	Discharge from rubber and plastic factories; Leaching from landfills.
/76./**77.** Tetrachloroethylene (ppb)	0	5	Discharge from factories and dry cleaners.

*[77.]***78.** 1,2,4-Trichlorobenzene (ppb)	70	70	Discharge from textile-finishing factories.
*[78.]***79.** 1,1,1-Trichloroethane (ppb)	200	200	Discharge from metal degreasing sites and other factories.
*[79.]***80.** 1,1,2-Trichloroethane (ppb)	3	5	Discharge from industrial chemical factories.
*[80.]***81.** Trichloroethylene (ppb)	0	5	Discharge from metal degreasing sites and other factories.
*[81.]***82.** TTHMs [Total trihalomethanes] (ppb)	n/a	100/80	By-product of drinking water disinfection.
*[82.]***83.** Toluene (ppm)	1	1	Discharge from petroleum factories.
*[83.]***84.** Vinyl Chloride (ppb)	0	2	Leaching from PVC piping; Discharge from plastics factories.
*[84.]***85.** Xylenes (ppm)	10	10	Discharge from petroleum factories; Discharge from chemical factories.

*AUTHORITY: section 640.100, RSMo Supp. [2008] **2009** and section 640.125.1, RSMo 2000. Original rule filed July 1, 1999, effective March 30, 2000. Amended: Filed March 17, 2003, effective Nov. 30, 2003. Amended: Filed Feb. 27, 2009, effective Oct. 30, 2009. Amended: Filed April 14, 2010.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies or political subdivisions one thousand nine hundred fifty-five dollars ($1,955) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Safe Drinking Water Commission will hold a public hearing on this proposed rulemaking at 10:00 a.m. on June 21, 2010, in the LaCharrette Conference Room, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri. The Public Drinking Water Branch will hold an information meeting from 9:30-9:55 a.m. on June 21, 2010, at the same location for an informal question and answer session on the rulemaking.

Any interested person may comment during the public hearing in support of or in opposition to the proposed amendment. Written comments postmarked or received by June 30, 2010, will also be accepted. Written comments must be mailed to: Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102 or hand-delivered to the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

FISCAL NOTE
PUBLIC COST

I. Department Title: **Department of Natural Resources**
Division Title: **Safe Drinking Water Commission**
Chapter Title: **Public Notification**

Rule Number and Name:	10 CSR 60-8.030 Consumer Confidence Reports
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	**Estimated Cost of Compliance in the Aggregate**
Missouri Department of Natural Resources (MDNR)	$1,955

III. WORKSHEET

MDNR Contract Costs = (20 hours x $74 per hour) + (5 hours x $95 per hour) = $1,955

IV. ASSUMPTIONS

Upgrading the MDNR Consumer Confidence Report builder will require 20 hours of computer programming work from the contractor at $74 per hour and 5 hours of work by the contractor's Safe Drinking Water Information System expert at $95 per hour.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 9—Record Maintenance

PROPOSED AMENDMENT

10 CSR 60-9.010 Requirements for Maintaining Public Water System Records. The commission is adding section (4).

PURPOSE: This amendment adopts without variance the record keeping requirements in the federal Ground Water Rule found in subpart S of 40 CFR part 141, July 1, 2008.

(4) Record-Keeping Requirements for the Ground Water Rule. These requirements are in addition to any other applicable record-keeping requirements of this rule.

(A) Documentation of corrective actions shall be kept for a period of not less than ten (10) years.

(B) Documentation of notice to the public as required under 10 CSR 60-4.025(4)(A)7. shall be kept for a period of not less than three (3) years.

(C) Records of decisions under 10 CSR 60-4.025(3)(A)6.B. and records of invalidation of fecal indicator-positive ground water source samples under 10 CSR 60-4.025(3)(D). Documentation shall be kept for a period of not less than five (5) years.

(D) For consecutive systems, documentation of notification to the wholesale system(s) of total-coliform positive samples that are not invalidated under 10 CSR 60-4.020(3) shall be kept for a period of not less than five (5) years.

(E) For systems, including wholesale systems, that are required to perform compliance monitoring under 10 CSR 60-4.025(4)(B) shall maintain—

1. Records of the department-specified minimum disinfectant residual for a period of not less than ten (10) years;

2. Records of the lowest daily residual disinfectant concentration and records of the date and duration of any failure to maintain the department-prescribed minimum residual disinfectant concentration for a period of more than four (4) hours. Documentation shall be kept for a period of not less than five (5) years; and

3. Records of department-specified compliance requirements for membrane filtration and of parameters specified by the department for department-approved alternative treatment and records of the date and duration of any failure to meet the membrane operating, membrane integrity, or alternative treatment operating requirements for more than four (4) hours. Documentation shall be kept for a period of not less than five (5) years.

*AUTHORITY: section 640.100, RSMo Supp. [2008] **2009**. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 14, 2010.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies or political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Safe Drinking Water Commission will hold a public hearing on this proposed rulemaking at 10:00 a.m. on June 21, 2010, in the LaCharrette Conference Room, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri. The Public Drinking Water Branch will hold an information meeting from 9:30-9:55 a.m. on June 21, 2010, at the same location for an informal question and answer session on the rulemaking.

Any interested person may comment during the public hearing in support of or in opposition to the proposed amendment. Written comments postmarked or received by June 30, 2010, will also be accepted. Written comments must be mailed to: Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102, or hand-delivered to the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 500—Property and Casualty
Chapter 10—Mortgage Guaranty Insurance

PROPOSED AMENDMENT

20 CSR 500-10.200 Financial Regulation. The department is amending section (3) to give the director discretion to suspend the aggregate liability limit.

PURPOSE: This amendment gives the director of the Department of Insurance, Financial Institutions and Professional Registration discretion to suspend the maximum liability threshold that must be satisfied in order for mortgage guaranty insurance companies to continue writing business in Missouri while, at the same time, maintaining adequate safeguards to protect policyholders and ensuring the solvency of the insurance industry.

(3) Limit of Aggregate Liability. *[A]* **Unless a request to suspend the requirements in this section is granted by the director as set forth below, a** mortgage guaranty company at any time shall not have outstanding a total liability under its aggregate insurance policies exceeding twenty-five (25) times its *[policyholder's]* **policyholders'** surplus, this liability to be computed on the basis of the company's liability under its election as provided in subsection (2)(D). *[In]* **Subject to a suspension, which may be granted by the director, in** the event that any company has outstanding total liability exceeding twenty-five (25) times its policyholders' surplus, it shall cease transacting new business until a time as its total liability no longer exceeds twenty-five (25) times its policyholders' surplus. **Upon the request of a mortgage guaranty company, the director may suspend the requirements in this section for such time and under such conditions as the director may order.**

*AUTHORITY: section 374.045, RSMo [2000] **Supp. 2009**. Original rule filed April 11, 1996, effective Nov. 30, 1996. Amended: Filed Dec. 14, 2000, effective July 30, 2001. Amended: Filed April 15, 2010.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 9:00 a.m. on June 17, 2010. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on June 24, 2010. Written statements shall be sent to Elfin Noce,

Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

PROPOSED RESCISSION

20 CSR 1140-30.010 Definitions. This rule established definitions for use in Chapter 20 CSR 1140-30 Mortgage Broker Rules.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in that the prior definitions did not pertain nor contain those definitions applicable to both mortgage brokers and mortgage loan originators now required by virtue of the passage of HB 382 in 2009. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.010. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.010, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

PROPOSED RESCISSION

20 CSR 1140-30.030 Licensing. This rule established guidelines for the licensing of mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators and remove section (6) in that section 443.837, RSMo, was repealed by HB 382, 2009. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.030. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.030, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

PROPOSED RESCISSION

20 CSR 1140-30.040 Operations and Supervision. This rule established operations and supervision guidelines concerning net worth, audit reports, escrow, change in business activities, change of ownership, bonding requirements, servicing, and full service offices.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter and to include guidelines for the licensing of mortgage loan originators. Furthermore, HB 382, 2009, did away with auditing and minimum net worth requirements and fundamentally changed the bonding requirements. Since the time the rule went into effect, section 339.600, RSMo, et seq., was repealed in 2004 by HB 985. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.040.

Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.040, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

PROPOSED RESCISSION

20 CSR 1140-30.050 Annual Report of Mortgage Brokerage Activity and Mortgage Servicing Activity. This rule declared requirements for annual reports by mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, included additional and different annual reporting standards. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.050. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.050, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

PROPOSED RESCISSION

20 CSR 1140-30.070 Advertising. This rule created general guidelines for advertising practices by mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, included sufficiently detailed provisions pertaining to advertising. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.070. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.070, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

PROPOSED RESCISSION

20 CSR 1140-30.080 Loan Brokerage Practices. This rule established general practices guidelines for mortgage brokers in the areas of agreements and disclosures.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of

mortgage loan originators, and HB 382, 2009, either modified or included most of the provisions included in 20 CSR 1140-30.080. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.080. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.080, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

PROPOSED RESCISSION

20 CSR 1140-30.090 Loan Application Practices. This rule stated the guidelines for the various loan application procedures of mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, either modified or included most of the provisions included in 20 CSR 1140-30.090. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.090. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.090, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

PROPOSED RESCISSION

20 CSR 1140-30.100 General Practices. This rule established requirements for certain practices by mortgage brokers in the areas of notices to joint borrowers, changes in loans in process, use of unauthorized brokers or lenders, and the general requirement of good faith.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, either modified or included most of the provisions included in 20 CSR 1140-30.100. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.100. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.100, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

PROPOSED RESCISSION

20 CSR 1140-30.110 Commitment and Closing Practices. This rule set standards for mortgage brokers' commitments and closings.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, either modified or included most of the provisions included in 20 CSR 1140-30.110. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.110. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.110, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker Rules

PROPOSED RESCISSION

20 CSR 1140-30.120 Exemption Guidelines. This rule set forth the guidelines for exemption from the licensing requirements for mortgage brokers.

PURPOSE: Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), provides that states that fail to adopt a licensing and registration law for mortgage loan originators that meet the minimum standards specified in the SAFE Act lose the authority to regulate and license mortgage loan originators with the Department of Housing and Urban Development taking over. This rule is being rescinded in order to better organize the chapter to include guidelines for the licensing of mortgage loan originators, and HB 382, 2009, eliminated most exemptions contained in the previous law. This rule is also being rescinded in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.847, 443.869(7), and 443.887, RSMo Supp. 1996. This rule originally filed as 4 CSR 140-30.120. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-30.120, effective Aug. 28, 2006. Emergency rescission filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Rescinded: Filed April 15, 2010.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

PROPOSED RULE

20 CSR 1140-30.200 Definitions

PURPOSE: This rule establishes the definitions used in 20 CSR 1140-30 and 20 CSR 1140-31.

(1) The definitions in sections 443.701 to 443.893, RSMo, shall apply to these rules. In addition, the terms listed below shall have the following meanings:

(A) "Act," the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act;

(B) "Broker" shall have the same meaning as Residential Mortgage Loan Broker set forth in section 443.703.1(31), RSMo;

(C) "Control" means the power to, directly or indirectly, affect the voting interest of twenty-five percent (25%) or more of any class of the outstanding voting shares, or partnership interest or limited liability company interest, of a broker; and

(D) "First tier subsidiary" shall include any corporation or limited liability company which is majority owned and controlled by a federally-insured and regulated depository institution.

AUTHORITY: sections 443.703.2, 443.709, 443.711, 443.725, 443.843, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

PROPOSED RULE

20 CSR 1140-30.210 Licensing of Mortgage Loan Originators

PURPOSE: This rule establishes guidelines for the licensing of mortgage loan originators.

(1) Initial Licensing. Application for an initial Mortgage Loan Originator license shall be made within the procedures established by the Nationwide Mortgage Licensing System and Registry (NMLSR).

(2) Incomplete Applications. Failure to meet a request for additional information within ten (10) business days may result in denial of the application. A denial under such circumstances shall not affect subsequent applications filed with the appropriate fee.

(3) License Renewal and Expiration. Application for renewal shall be made within the procedures established by NMLSR. A renewal application not received by the division prior to December 1 of any year cannot be assured of issuance prior to January 1, at which time the license will be considered to be expired. Any license which is not renewed prior to December 31 may require the applicant to file a reinstatement application as provided for in these rules.

(A) The director may not renew a Mortgage Loan Originator license unless all required fees, administrative penalties owed to the director, and any refunds ordered by the director to be returned to consumers have been paid.

(4) Reinstatement of License. The license of a mortgage loan originator that expires for failure to satisfy the minimum standards for renewal or does not allow for sufficient lead time for review and processing of an application may be reinstated if the licensee meets the following requirements:

(A) The licensee must submit a request for reinstatement through the NMLSR;

(B) All continuing education courses and any other requirements for the license renewal for the year in which the license expired must be completed; and

(C) The licensee must pay the applicable licensing, reinstatement, and late fees/penalties.

1. If the mortgage loan originator whose license has expired fails to meet the requirements for reinstatement specified in this section and submits a reinstatement filing within the parameters established by NMSLR, the mortgage loan originator must apply for a new license and meet the requirements for licensure in effect at that time.

2. The director may waive any late filing penalty or fee for a licensed mortgage loan originator on active military duty serving outside of Missouri.

(5) Fees.

(A) Initial and renewal applications shall be made through the NMLSR and shall be accompanied by the applicable fee, which shall be set by the director from time-to-time, not to exceed two hundred fifty dollars ($250). Said fees are not refundable.

(B) For each duplicate original license issued, the director shall collect a duplicate original license fee not to exceed one hundred fifty dollars ($150).

(C) For each amended license issued, the director shall collect an amended original license fee not to exceed one hundred fifty dollars ($150).

(D) A late fee, not to exceed one hundred fifty dollars ($150), may be assessed to any mortgage loan originator who fails to submit a renewal application by December 31 of each year.

AUTHORITY: sections 443.709, 443.711, 443.725, 443.843, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: It is estimated that the division will receive three thousand (3,000) residential mortgage loan originator license applications. The 2010 license fee is fifty dollars ($50). The 2011 license fee is one hundred dollars ($100) and must be paid on or before December 31, 2010. Therefore, this proposed rule could cost private entities and individuals four hundred fifty thousand dollars ($450,000) in 2010. It is an annual recurring license, and the cost will be determined by the division's expenses of administering sections 443.701–443.893, RSMo.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department of Insurance, Financial Institutions and Professional Registration
Division of Finance
Chapter 30

Rule Number and Name:	20 CSR 1140-30.210 Licensing of Mortgage Loan Originators
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	**Classifications by types of the business entities which would likely be affected:**	**Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:**
3,000 New Residential Mortgage Loan Originators		3,000 New Residential Mortgage Loan Originators 3,000 x initial 2010 licensing fee of $50=$150,000 3,000 New Residential Mortgage Loan Originators 3,000 x $100 (2011 licensing fee that must be paid on or before December 31, 2010)=$300,000 **TOTAL for 2010 $450,000**

III. WORKSHEET & ASSUMPTIONS

Missouri has not licensed residential mortgage loan originators in the past. The Division bases its estimate of 3,000 potential applicants on the number of current licensees in the State of Kansas and adjusted the number upward in order to account for Missouri's higher population.

It is estimated that the division will receive three thousand (3,000) residential mortgage loan originator license applications. The 2010 license fee is fifty dollars ($50). The 2011 license fee is one hundred dollars ($100) and must be paid on or before December 31, 2010. Therefore, this proposed rule could cost private entities and individuals four hundred fifty thousand dollars ($450,000) in 2010. It is an annual recurring license and the cost will be determined by the division's expenses of administering sections 443.701-443.893, RSMo.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

PROPOSED RULE

20 CSR 1140-30.220 Self-Reporting Requirements

PURPOSE: This rule establishes self-reporting requirements for mortgage loan originators, brokers, or any of a broker's directors, principal stockholders, members, partners, or individuals who influence management.

(1) A mortgage loan originator, broker, or any of a broker's directors, principal stockholders, members, partners, or individuals who influence management (hereinafter collectively referred to as "licensee" for the purpose of this rule) shall notify the director in writing within five (5) days of the occurrence of any of the following events:

(A) Licensee files for bankruptcy protection or is subjected to an involuntary bankruptcy proceeding;

(B) Institution by any state or other jurisdiction of a license denial, cease and desist, suspension or revocation procedure, or other formal or informal regulatory action against a licensee;

(C) Institution of an action by the Missouri attorney general or other enforcer of the consumer protection laws of any jurisdiction to enforce consumer protection laws against a licensee;

(D) Having a license suspended, terminated, or otherwise prohibited from participating in a federal or state program;

(E) Licensee is suspended, terminated, or otherwise prohibited as an approved lender or seller/servicer by the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Government National Mortgage Association, Department of Housing and Urban Development, Department of Veterans Affairs, or any other federal or state agency or program;

(F) The entry of a judgment against a licensee;

(G) A licensee is convicted of or enters a plea of guilty or *nolo contendere* to a felony or misdemeanor, excluding traffic violations, in a domestic, foreign, or military court. For the purposes of this requirement, a licensee need not report traffic or driving violations to the director so long as said violations are not felonies;

(H) The entry of a tax or other government lien upon the property of a licensee; or

(I) Revocation or suspension of a licensee's professional or business license by any state or jurisdiction. An agreement to surrender a license and/or not to operate in an occupation in which a professional license is required shall be considered a revocation for the purposes of this rule.

AUTHORITY: sections 443.869 and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

PROPOSED RULE

20 CSR 1140-30.230 Challenges to Information Submitted to NMLSR

PURPOSE: This rule establishes the procedures by which a mortgage loan originator can challenge information submitted by the director to the Nationwide Mortgage Licensing System and Registry.

(1) A mortgage loan originator may challenge the accuracy of information entered by the director to the Nationwide Mortgage Licensing System and Registry (NMLSR) regarding the mortgage loan originator by filing a written appeal with the director. The appeal shall specify what information is alleged to be in error and the basis of said belief. The appeal shall also include any documentation believed to support the mortgage loan originator's claim. The director shall review the appeal and notify the mortgage loan originator of the director's decision within thirty (30) days of receipt of the appeal, which shall represent the director's final decision.

AUTHORITY: sections 443.727, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

PROPOSED RULE

20 CSR 1140-30.240 Operations and Supervision of Residential Mortgage Loan Brokers

PURPOSE: This rule establishes procedures and guidelines for the licensing of residential mortgage loan brokers and the fees associated therewith.

(1) Initial Licensing. Applications for an initial broker's license shall be in a form prescribed by the director and shall include a nonrefundable license investigation fee which shall be set by the director from time-to-time, not to exceed one thousand five hundred dollars ($1,500).

(A) Failure to meet a request for additional information within ten (10) business days may result in denial of the application. A denial under such circumstances shall not affect subsequent applications

filed with the appropriate investigation fee.

(B) Upon approval of an initial broker's license, the director shall collect a nonrefundable license fee, which shall be set by the director from time-to-time, not to exceed one thousand five hundred dollars ($1,500). The license fee shall cover the licensing of the broker's main office in Missouri. Additional licensing fees for the establishment of branch locations will apply as provided for in these rules.

(2) Renewal Applications. Applications for renewal of a broker's license shall be in a form prescribed by the director and may require a nonrefundable license investigation fee which shall be set by the director from time-to-time, not to exceed one thousand five hundred dollars ($1,500). Such completed renewal application shall be received by the director at least sixty (60) days prior to such licensee's biennial renewal date. Upon approval of a biennial renewal of a broker's license, the director shall collect a nonrefundable renewal license fee, which shall be set from time-to-time by the director, not to exceed three thousand dollars ($3,000), one half (½) of which is to be paid upon issuance of the license, and the balance one (1) year thereafter. Failure by an existing licensee to submit a renewal application and any applicable investigation fees to the director at least sixty (60) days in advance of a licensee's biennial renewal date may not allow sufficient time for the director to process the licensee's renewal application and may result in the expiration of licensee's existing license.

(3) Fees. The director may assess the reasonable costs of an investigation incurred by the division that are outside the normal expense of any annual or special examination or any other costs incurred by the division as a result of a licensee's violation of sections 443.701 to 443.893, RSMo, or these rules.

(A) For each duplicate original license issued, the director shall collect a duplicate original license fee not to exceed one hundred fifty dollars ($150).

(B) For each amended license issued, the director shall collect an amended original license fee not to exceed one hundred fifty dollars ($150).

(C) For each notice of change of officers or directors or change of name or address, the director shall collect a fee not to exceed one hundred fifty dollars ($150). A broker must report any change in directors or principal officers within thirty (30) days to the director.

(D) Each licensee who intends to operate and maintain an additional full-service office shall file a Notice of Intent to Establish an Additional Full-Service Office on a form prescribed by the director, thirty (30) days prior to the proposed operation; the director shall collect a fee not to exceed one hundred fifty dollars ($150) at the time the notice is filed.

AUTHORITY: sections 443.821, 443.825, 443.827, 443.833, 443.839, 443.843, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: Based on the approximately four hundred (400) current number of licensees and the one hundred (100) anticipated licensees, it is estimated that the proposed rule will cost those entities approximately three hundred thirty thousand dollars ($330,000) in fiscal year 2011. This number is based on several factors. First, a limited number of companies will renew their licenses or pay the second license fee installment on their current two (2)-year license in July 2010 at the current three-hundred-dollar ($300) per-year rate. Second, due to lower revenues than expenses, the license fee will be increased to six hundred dollars ($600) in August 2010. The vast majority of licensees will either renew their licenses or pay the second license fee at that higher rate. The division also anticipates there will be an additional one hundred (100) licenses added in fiscal year 2011 that will pay a three-hundred-dollar ($300) investigation fee and a six-hundred-dollar ($600) license fee. The total license fees collected is expected to be approximately three hundred thousand dollars ($300,000) for fiscal year 2011. The remaining cost to those entities is an estimate of additional fees that will be collected including amended or duplicate licenses, branch licenses issued, and renewal investigation fees for individual criminal and credit background checks. It is an annual recurring license, and the cost will be determined by the division's expenses of administering sections 443.701–443.893, RSMo.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department of Insurance, Financial Institutions and Professional Registration
Division of Finance
Chapter 30

Rule Number and Name:	20 CSR 1140-30.240 Operations and Supervision of Residential Mortgage Loan Brokers
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	**Classifications by types of the business entities which would likely be affected:**	**Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:**
400 Current Residential Mortgage Broker Companies & 100 Anticipated additional licensees during fiscal year 2011		$330,000

III. WORKSHEET & ASSUMPTIONS

Based on the approximately four hundred (400) current number of licensees and the one hundred (100) anticipated licensees, it is estimated that the proposed rule will cost those entities approximately three hundred thirty thousand dollars ($330,000) in fiscal year 2011. This number is based on several factors. First, a limited number of companies will renew their licenses or pay the second license fee installment on their current two (2) year license in July 2010 at the current three hundred dollar ($300) per year rate. Second, due to lower revenues than expenses, the license fee will be increased to six hundred dollars ($600) in August 2010. The vast majority of licensees will either renew their license or pay the second license fee at that higher rate. The division also anticipates there will be an additional 100 licenses added in fiscal year 2011 that will pay a three hundred dollar ($300) investigation fee and a six hundred dollar ($600) license fee. The total license fees collected is expected to be approximately three hundred thousand dollars ($300,000) for fiscal year 2011. The remaining cost to those entities is an estimate of additional fees that will be collected including amended or duplicate license, branch licenses issued, and renewal investigation fees for individual criminal and credit background checks. It is an annual recurring license and the cost will be determined by the division's expenses of administering sections 443.701-443.893, RSMo.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

PROPOSED RULE

20 CSR 1140-30.250 Change in Business Activities

PURPOSE: This rule establishes procedures and guidelines for mortgage loan brokers to follow in the event there is a change in their respective business activities and the fees and notice requirements associated therewith.

(1) A broker shall return his/her license to the director within ten (10) days upon a licensee closing a full-service office or his/her decision to discontinue brokering, originating, or servicing.

(2) Prior to a change of ownership or control, a broker and/or a prospective purchaser shall submit an application on a form prescribed by the director, which shall be submitted with the applicable fee not to exceed one hundred fifty dollars ($150) at least forty-five (45) days prior to the proposed change. All proposed changes must be approved by the director. Failure to obtain the director's prior approval may result in administrative action against the broker's license.

(3) A broker shall file an Application for Change of Name or Address, with the applicable fee, ten (10) business days in advance, on a form prescribed by the director. The name change shall be approved unless deceptively similar to another name or is otherwise prohibited by law.

AUTHORITY: sections 443.843, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

PROPOSED RULE

20 CSR 1140-30.260 Full-Service Office Requirement

PURPOSE: This rule establishes operations and supervision guidelines concerning the full in-state service office requirement.

(1) Each broker shall maintain at least one (1) full-service office located in Missouri consistent with sections 443.703.1(12) and 443.857, RSMo. At a minimum, each Missouri office must be staffed by one (1) supervised licensed mortgage loan originator and such staff as is needed to efficiently administer the tasks mandated by section 443.703.1(12), RSMo. The office location shall have a street address and shall not be a post office box or similar designation and shall be the address where the director is to send all correspondence, official notices, and orders; the broker shall be responsible for keeping the director informed of any changes in said address. In determining whether a broker handles such matters in a reasonably adequate manner, the director may consider consumer complaints received regarding said broker, information obtained from examinations conducted by the division, and reports filed with the division. If it is determined that a broker is not in compliance with section 443.857, RSMo, the director shall notify the broker in writing detailing the requirements to achieve compliance, along with a reasonable deadline.

(A) Each full-service office shall also comply with any applicable local zoning ordinances and shall post any occupational licenses required by law or regulation.

AUTHORITY: sections 443.703.1(12), 443.857, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

PROPOSED RULE

20 CSR 1140-30.270 Maintenance of Records

PURPOSE: This rule establishes guidelines for the maintenance of required records to be kept by residential mortgage loan brokers and the penalty for failure to do so.

(1) Each broker shall maintain an application log and shall produce it for examination by the director. It shall contain at least the following concerning each residential mortgage loan application received during the previous thirty-six (36) months:

(A) Full name of all applicants;

(B) Date of application;

(C) Name of the mortgage loan originator responsible for the loan application whose name and Nationwide Mortgage Licensing System and Registry (NMLSR) unique identifier also appears on the application;

(D) Disposition of the mortgage loan application and date of disposition. The log shall indicate the result of the loan transaction. The

disposition of the application shall be categorized as one (1) of the following: loan closed, loan denied, application withdrawn, application in process, or other explanation;

(E) Address of the property;

(F) Amount of the loan; and

(G) The terms of the loan and/or loan program.

(2) An application log shall be maintained at the broker's main Missouri office. The log shall be kept current. Records may be kept at a branch, but the broker's main Missouri office must have a current log updated no less frequently than every seven (7) days. The failure to enter said information to the log within seven (7) days from the date of the occurrence of the event required to be recorded in the log shall be deemed a failure to keep the log current.

(3) Failure to maintain an application log or to keep the log current may be grounds for suspension or revocation of the license or other appropriate administrative action and may subject the broker to fines authorized by the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

AUTHORITY: sections 443.869 and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

PROPOSED RULE

20 CSR 1140-30.280 Authorized Advance Fees and Escrow Requirements

PURPOSE: This rule establishes general practices and guidelines for residential mortgage loan brokers with regard to what advance fees may be collected and placement of said fees. This rule also sets forth guidelines for the collection and disbursement of rate-lock fees.

(1) A broker shall not require a borrower to pay any fees or charges prior to the loan closing, except for:

(A) The actual and necessary charges of third parties needed to process the application, which shall be administered pursuant to this rule; and

(B) A rate-lock fee, provided that the written rate-lock fee agreement signed by both the borrower and the proposed lender includes the following terms:

1. The expiration date of the fee agreement;
2. The amount of the loan;
3. The maximum interest rate and maximum discount (points);
4. The term of the loan;
5. The lender is able to perform under the terms of the fee agreement; and
6. Subject to verification, the information submitted by the borrower indicates that the loan will be approved in accordance with the fee agreement.

(2) Refunds on Failure to Close. The rate-lock fee must be refunded if the loan does not close in accordance with the fee agreement, except that the fee may be retained upon the lender's ability to demonstrate to the director any of the following reasons: the borrower withdrew the loan application; made a material misrepresentation on the loan application; or failed to provide documentation necessary to the processing or closing of the loan, such documents having been timely requested. When the fee is to be retained, the lender shall send a written notice to the borrower stating the reason for retaining the fee.

(3) Brokers Failure to Close. If a residential mortgage loan is not closed through no fault of the applicant, all the charges shall be refunded to the borrower, except to the extent such charges were incurred in good faith by the lender on behalf of the borrower for third-party services.

(4) Nothing in these rules shall be construed as to allow a broker, that is not a lender, to charge a fee for a rate-lock agreement or otherwise enter into a rate-lock agreement.

(5) Escrow. Brokers, not subject to the Department of Housing and Urban Development escrow regulations, who receive funds that are to be used for actual and necessary third-party expenses needed to process the application shall place said funds with one (1) of the following no later than five (5) days after receipt:

(A) A title insurer, title agency, or title agent not affiliated with a title agency that is authorized to act as an escrow, security, settlement, or closing agent pursuant to Chapter 381, RSMo;

(B) An unaffiliated depository institution as defined in section 443.703.1(5), RSMo, or first-tier subsidiary or service corporation thereof that is acting as an escrow agent as defined by section 443.703.1(9), RSMo; or

(C) A licensed attorney.

AUTHORITY: sections 443.865, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

PROPOSED RULE

20 CSR 1140-30.290 In-State Office Waiver For Servicers

PURPOSE: This rule establishes the procedures and qualifications needed for servicers to obtain a waiver for the full in-state service office requirement.

(1) Procedures to Obtain Waiver. Prior to the issuance of a waiver pursuant to section 443.812.5, RSMo, of the requirement of maintaining a full-service office in Missouri, an applicant shall obtain a certificate of authority from the Missouri secretary of state. Furthermore, an applicant shall file with the license application an irrevocable consent in a form to be determined by the director, duly acknowledged, that provides suits and actions that may be commenced against the applicant in the courts of this state, and, should it be necessary to bring an action against the applicant, applicant agrees that venue shall lie in Cole County, Missouri.

(2) Qualifications for Waiver. For the purposes of determining if a loan servicer qualifies for the waiver set forth in section 443.812.5, RSMo, the term "primarily engaged in servicing residential mortgage loans" shall be defined as a residential loan servicer that derives seventy-five percent (75%) or more of its gross income from Missouri from residential loan servicing.

AUTHORITY: sections 443.812.5, 443.857, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule could cost private entities five thousand one hundred fifteen dollars ($5,115) in the aggregate. This cost estimate is based on the number of current companies that presently qualify for the statutory exemption times the one (1)-time fee charged by the secretary of state of one hundred fifty-five dollars ($155) for obtaining a certificate of authority.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department of Insurance, Financial Institutions and Professional Registration
Division of Finance
Chapter 30

Rule Number and Name:	**20 CSR 1140-30.290 In-State Office Waiver For Servicers**
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	**Classifications by types of the business entities which would likely be affected:**	**Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:**
33 Residential Mortgage Loan Servicer Broker Companies		$5,115.00

III. WORKSHEET & ASSUMPTIONS

Current Residential Mortgage Loan Servicer Broker Companies that qualify for the statutory exemption (33) x onetime fee charged by the Missouri Secretary of State of $155.00 for certificate of authority =$5,115.00.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

PROPOSED RULE

20 CSR 1140-30.300 Annual Report

PURPOSE: This rule establishes procedures and requirements for residential mortgage loan brokers to follow in submitting their annual reports to the director.

(1) Filing Requirements. By March 1 of each year, each broker must file an Annual Report of Residential Mortgage Loan Broker Activity that contains the information mandated by section 443.885, RSMo. If any category(ies) requested has nothing to report, then the proper response is "none."

(A) The Annual Report of Residential Mortgage Loan Broker Activity shall include the names of the mortgage loan originators and the dollar amount originated by each individual. It shall also include the dollar amount of the loans and with whom the broker had mortgage brokerage agreements including the aggregate dollar amount of loans brokered, funded, and serviced in the state of Missouri for the previous year. Each broker that reports any default or foreclosure shall also furnish the name of the lender who originated the loan.

(B) Brokers that file a Home Mortgage Disclosure Act Report may file a copy thereof in lieu of the report described herein.

(C) Each annual report shall be accompanied by an affidavit, attesting to truthfulness of the information contained therein.

AUTHORITY: sections 443.869, 443.885, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

PROPOSED RULE

20 CSR 1140-30.310 Bonding Requirements

PURPOSE: This rule establishes bonding procedures and requirements for residential mortgage loan brokers to follow.

(1) Annual Review and Initial Schedule. The principal amount of the surety bond shall be determined annually by the information contained in the Broker's Annual Report of Residential Mortgage Loan Broker Activity and shall be based on the dollar amount of loans brokered, funded, and serviced in the state of Missouri for the previous year. In the event a broker brokers, funds, and services residential mortgage loans, or any combination thereof, the principal amount of the surety bond shall be based on the category that results in the highest bonding amount. The initial bonding schedule is as follows:

Dollar Amount of Loans Brokered/Funded/Serviced For Previous Year	Bond Amounts For Loans Brokered	Bond Amounts For Loans Funded	Bond Amounts For Loans Serviced
$7,500,000 or less	$50,000	$50,000	$50,000
$7,500,001–$15,000,000	$50,000	$100,000	$100,000
$15,000,001–$22,500,000	$75,000	$150,000	$150,000
$22,500,001–$30,000,000	$100,000	$200,000	$200,000
$30,000,001–$45,000,000	$150,000	$300,000	$300,000
$45,000,001–$60,000,000	$200,000	$400,000	$400,000
$60,000,001 or more	$250,000	$500,000	$500,000

(A) Any increased surety bond as required above shall be filed with the director on or before May 1. Failure to do so shall be grounds for summary suspension of a broker's license.

(B) Surety bonds provided to the director are deemed to be records of the division and will not be released or returned to licensees or to the entities by which they were issued.

AUTHORITY: sections 443.731, 443.849, 443.869, and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: Based on the approximately four hundred (400) current licensees and the one hundred (100) anticipated licensees, it is estimated that the proposed rule will cost those entities, at a minimum, approximately three hundred seventy-five thousand dollars ($375,000) annually for the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department of Insurance, Financial Institutions and Professional Registration
Division of Finance
Chapter 30

Rule Number and Name:	**20 CSR 1140-30.310 Bonding Requirements**
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	**Classifications by types of the business entities which would likely be affected:**	**Estimated annual cost of compliance for the lifetime of the rule:**
Approximately 400 **Current** Residential Mortgage Broker Companies 100 **Anticipated** Residential Mortgage Broker Companies	Loan Brokers Loan Funding Companies Loan Servicers	$375,000

III. WORKSHEET & ASSUMPTIONS

Based on approximately 400 current Residential Mortgage Broker Companies plus 100 additional anticipated licensees x cost of $50,000.00 surety bond premium based on 1.5% of face amount ($750.00)=$375,000.00. This amount will increase in that a licensee's first year bond is set at the statutory minimum of $50,000.00. Each year thereafter, a company's bonding amount could potentially increase based on the attached schedule. The premium of 1.5% is based on calls to Missouri bonding agents who stated the average range depending on a person credit is 1 to 2%.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 30—Mortgage Broker and Originator Rules

PROPOSED RULE

20 CSR 1140-30.320 Exempt List

PURPOSE: This rule establishes procedures and requirements for exempt companies to register with the director.

(1) Registration. The director requests that all exempt entities file a letter disclosing exempt status and the reason therefore at the Division of Finance, Residential Mortgage Section, PO Box 716, Jefferson City, MO 65102. There shall be no fee for said filing.

AUTHORITY: sections 443.869 and 443.887, RSMo Supp. 2009. Emergency rule filed April 5, 2010, effective April 18, 2010, expires Jan. 26, 2011. Original rule filed April 15, 2010.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 31—*Residential* Mortgage *[Broker]* Board

PROPOSED AMENDMENT

20 CSR 1140-31.010 General Organization—*Residential* Mortgage *[Broker]* Board. The division is amending the chapter title, the rule title, and section (1), deleting section (2), and renumbering and amending section (3).

PURPOSE: This amendment reflects a change in the name of the board as set forth in section 443.816, RSMo. Section (1) is amended to include the additional duties of the board imposed by section 443.729.2, RSMo, to hear appeals from mortgage loan originators whose license applications have been denied, and to reflect the change in title of the Director of Finance as set forth in section 443.703(6), RSMo, versus "commissioner." Section (2) is being rescinded in that its provisions are contained in section 443.816, RSMo. Section (3) is amended to include the division's telephone and fax number. This rule is also being amended in order to bring Missouri into compliance with Section 1508 of Public Law 110-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

PURPOSE: This rule complies with section 536.023, RSMo, [(1994)] which requires each agency to adopt as a rule a description of its operation and the methods where the public may obtain information or make submissions or requests.

(1) The Residential Mortgage Board **(board)** determines appeals from decisions of the *[commissioner of finance]* **director** concerning issuance, denial, revocation, or suspension of *[a residential mortgage license]* **residential mortgage loan originator and residential mortgage loan broker licenses** and approves *[regulations]* **mortgage brokering and origination rules** promulgated by the *[commissioner]* **director** of finance.

[(2) The Residential Mortgage Board is a bipartisan Board consisting of five (5) individuals appointed by the governor. Two (2) of the Board members are forbidden to have any interest in any mortgage brokerage business, three (3) must be experienced in mortgage brokering and one (1) of the five (5) Board members must be an attorney. The Board shall designate its own chairman and secretary. A majority of the members of the Board shall constitute a quorum and the decision of a majority of a quorum shall be the decision of the Board. The Board shall meet upon call of the chairman, or of the director, or of any two (2) members of the Board, and may meet at any place in this state.]

*[(3)]***(2)** Information relating to the **board's** activities *[of the Residential Mortgage Board]* may be directed to the Residential Mortgage Board, 301 West High Street, P*[.]*O*[.]* Box 716, Jefferson City, MO 65102**, telephone (573) 751-2545, or fax (573) 751-9192**.

AUTHORITY: sections 443.816[, RSMo (Cum. Supp. 1996)] and 536.023, RSMo [(1994)] ***Supp. 2009****. This rule originally filed as 4 CSR 140-31.010. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-31.010, effective Aug. 28, 2006. Amended: Filed April 15, 2010.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 1140—Division of Finance
Chapter 31—*Residential* Mortgage *[Broker]* Board

PROPOSED AMENDMENT

20 CSR 1140-31.020 Rules of Procedure. The division is amending the chapter title, the purpose, and sections (1) and (2), deleting sections (3) and (4), renumbering the remaining sections, and amending previous sections (5), (6), (7), (9), (11), (20), (21), and (25).

PURPOSE: This amendment reflects the change in title of the Director of Finance as set forth in section 443.703(6), RSMo, versus "commissioner." Sections (3) and (4) are deleted in order to eliminate seemingly tedious and burdensome filing requirements. Section (9) is amended by deleting the last sentence in order to eliminate any potential conflicts with Missouri common law, statutes, and rules. Section (26) is amended to give parties the option of recording an

appeal proceeding by other means than just a court reporter. This rule is also being amended in order to bring Missouri into compliance with Section 1508 of Public Law 1l0-289, Title V, the Secure and Fair Enforcement Mortgage Licensing Act of 2008.

PURPOSE: The Residential Mortgage Board was established to hear appeals from certain decisions of the [commissioner] ***director*** *of finance. In order to facilitate these appeals, the board [is issuing]* ***promulgates*** *these rules of procedure.*

(1) Definitions. As used in this rule, except as otherwise required by the context—

(A) Appellants shall mean persons who are appealing a decision of the *[commissioner of finance]* **director**;

(C) *[Commissioner]* **Director** shall mean the *[commissioner of finance and]* director of the Division of Finance;

(D) Presiding officer shall mean the chairman of the *[Residential Mortgage B]***b**oard or any *[B]***b**oard member designated by the presiding officer to assume those duties; and

(E) Secretary shall mean that member *[chosen]* **so designated** by the board *[to assume those duties]*.

(2) Records of the Board. The secretary shall maintain a complete record of all **board** proceedings *[of the board]*. All orders or other actions of the board shall be certified or authenticated by the signature of the secretary.

[(3) Pleadings shall be bound at the top, shall be typewritten on paper eight and one-half inches by eleven inches (8 1/2" × 11") in size and exhibits, wherever practical, folded to that size. Typing shall be on one (1) side of the paper only and shall be double spaced, except that footnotes and quotations in excess of a few lines may be single spaced. Briefs shall be typewritten or printed on paper eight and one-half inches by eleven inches (8 1/2" × 11"). Reproduction may be by any process, provided the copies are clear and permanently legible.

(4) Title and Number. Pleadings, briefs and other documents shall show the title of the proceeding and shall show the name, address, telephone number and fax number of the attorney, if any, on the flyleaf or at the end of the document. In the event the title of the proceeding contains more than one (1) name as appellant or intervenor, it shall be sufficient to show only the first of those names as it appears in the first document commencing the proceeding.]

*[(5)]***(3)** Appeal Allowed. Appeals will be allowed from the **director's** decision *[of the commissioner]* as provided by law**,** and the board shall hear the appeal. At the time the appeal is to be heard, testimony will be taken by the board on issues specifically raised by the notice of appeal and any application to intervene. The board will follow the practice of administrative agencies concerning the admissibility of evidence in contested cases as provided for in section 536.070, RSMo**,** and may receive evidence by deposition as provided in section 536.073, RSMo.

*[(6)]***(4)** Notice of Appeal. *[The appellant, w]***W**ithin ten (10) days of the *[commissioner]* **director** mailing notice of the action**, the appellant** shall file a notice of appeal to the board, specifically stating which finding of the *[commissioner]* **director** the appellant challenges. The notice of appeal may be delivered to the board by mailing it to the Division of Finance at P*[.]*O*[.]* Box 716, Jefferson City, MO 65102 **or by fax at (573) 751-9192**.

*[(7)]***(5)** Docket and Hearing Calendar. *[The commissioner shall maintain a docket of all proceedings and each proceeding shall be assigned an appropriate case number.]* The *[commissioner]* **director** shall maintain a record of proceedings filed and proceedings set for hearing which shall be available for public inspection at the office of the Division of Finance in Jefferson City, Missouri. The docket and hearing calendar shall be available for public inspection during office hours.

*[(8)]***(6)** Prehearing Conference. The presiding officer may hold prehearing conferences for the purpose of formulating or simplifying the issues, arranging for the exchange of proposed exhibits or prepared expert testimony, limitation of the number of witnesses**,** and such other matters as may expedite orderly conduct and disposition of the proceedings.

*[(9)]***(7)** Time and Place. Notice of the day, hour**,** and place of hearing shall be served at least ten (10) days prior to the time set on all appellants and intervenors, unless the board shall find that public necessity requires hearings be held on shorter notice. The hearing shall be held at a place determined by the presiding officer. At the direction of the board, the *[commissioner]* **director** shall serve notice *[by mail]* to each party designated as applicant or intervenor.

*[(10)]***(8)** Limiting Number of Witnesses. To avoid unnecessary cumulative evidence, the presiding officer may limit the number of witnesses or the time for testimony on a particular issue.

*[(11)]***(9)** Who May Practice Before the Board. Only licensed attorneys from Missouri**,** or from other states as provided, shall be permitted to practice before the board. Attorneys who are not members of the Missouri bar shall be permitted to practice before the board under the same rules and limitations as an attorney in good standing in Missouri would be permitted to practice before the corresponding board, official**,** or other body of the state of the nonresident attorney. *[A party may act as his/her own attorney if s/he desires.]*

*[(12)]***(10)** Form and Admissibility. The board will follow in general the practice in the circuit court of the state and the common law rules on admissibility of evidence as interpreted by the courts of the state, except that the board may permit the introduction of hearsay evidence when, in its opinion, circumstances require.

*[(13)]***(11)** Ruling. The presiding officer shall rule on the admissibility of all evidence. That ruling may be reviewed by the board in determining the matter on its merits.

*[(14)]***(12)** Objections and Exceptions. When objections are made to the admission or exclusion of evidence, the grounds relied upon shall be stated briefly. Formal exception to rulings are unnecessary and need not be taken.

*[(15)]***(13)** Offer of Proof. When a party wishes to make an offer of proof for the record, that offer shall consist of a statement of the substance of the evidence to the admission of which objection has been sustained.

*[(16)]***(14)** Prepared Testimony. With the approval of the presiding officer, a witness may read into the record his/her testimony and direct examination. Before any prepared testimony is read, unless excused by the presiding officer, the witness shall deliver copies to the presiding officer, the court reporter**,** and counsel for all parties. Admissibility of testimony shall be subject to the rules governing oral testimony. If the presiding officer deems that substantial saving of time will result without prejudice to any party, prepared testimony may be copied into the record without having the witness read it aloud; provided, however, that the witness shall be available for cross-examination by any party other than the party on whose behalf the testimony is admitted.

*[(17)]***(15)** Documentary Evidence. If relevant, material matter

offered in evidence is embraced in the document containing other matter, the party offering it shall designate specifically the matter so offered. If other matter in the document would unnecessarily encumber the record, the document will not be received in evidence but at the discretion of the presiding officer, the relevant material matter may be read into the record or copies received in exhibit. Other parties will be afforded opportunity to examine these documents and to offer into evidence other portions believed material and relevant.

*[(18)]***(16)** Stipulations. The parties may file a stipulation of the facts or expected testimony and**,** in this event**,** the same shall be numbered and used at the hearing. This procedure is desirable wherever practical.

*[(19)]***(17)** Exhibits. Exhibits shall be legible and, wherever practical, shall be prepared either on paper not exceeding eight and one-half inches by eleven inches (8 1/2" × 11") in size or be bound and folded to that approximate size. Wherever practical, the sheets of each exhibit should be numbered and, where necessary, explained by index.

*[(20)]***(18)** Marking of Exhibits. Exhibits shall be marked as follows: Appellants' exhibits shall be numbered consecutively in order of their introduction and numbered as follows: Appellant Exhibit 1 and Appellant Exhibit 2, etc. The division's exhibits will be marked alphabetically. When exhibits are offered into evidence, the original and two (2) copies shall be furnished to the *[reporter]* **board secretary,** and the party offering the exhibit should also be prepared to furnish a copy to each member of the board sitting.

*[(21)]***(19)** Board Records. If any document in the **division's** records *[of the Division of Finance]* is offered into evidence, that document need not be produced as an exhibit unless directed otherwise by the presiding officer, but may be received into evidence by reference, provided that the particular portions of that document are specifically identified and are otherwise competent, relevant**,** and material.

*[(22)]***(20)** Judicial Notice. Official and judicial notice may be taken of those matters which may be noticed by the courts of Missouri.

*[(23)]***(21)** Additional Evidence. At the hearing, the presiding officer may require the production of further evidence upon any issue. Upon agreement of the parties, s/he may authorize the filing of specific documentary evidence as a part of the record within a fixed time after the submission, reserving exhibit numbers.

*[(24)]***(22)** Briefs. If counsel or any party requests permission to file a brief, the presiding officer shall fix the time for filing of briefs. Failure to request, at the close of the testimony, the fixing of time for filing briefs shall waive the right to subsequently file a brief.

*[(25)]***(23)** Decisions. Proceedings shall be submitted for the **board's** decision *[of the board]* after the taking of testimony and the filing of the briefs, as may be prescribed by the board or its presiding officer. The board's formal decision and order shall be issued as soon as practicable after the proceedings have been submitted. Decisions and orders shall be served by the *[commissioner]* **director** mailing or making personal delivery of certified copies to the parties of record. When a party to a proceeding has appeared by representative, service upon that representative shall be deemed service upon the party.

*[(26)]***(24)** Construction of Rules. These rules shall be liberally construed to secure just, speedy**,** and inexpensive determination of all issues presented. These rules may be amended at any time by the Board.

*[(27)]***(25)** Forms. The following form of Notice of Appeal is merely illustrated as a general form. The content of particular pleadings will vary depending upon the subject matter and applicable procedural rules.

BEFORE THE RESIDENTIAL MORTGAGE BOARD OF THE STATE OF MISSOURI IN THE MATTER OF THE DENIAL, REVOCATION, ETC. OF THE LICENSE OF XYZ BROKERS BY THE *[COMMISSIONER]* **DIRECTOR** OF FINANCE.

NOTICE OF APPEAL

You are hereby notified that an appeal is taken from the decision of the *[Commissioner]* **Director** of Finance denying, etc. a license to the XYZ Brokers for the following reasons:

1. The *[Commissioner]* **Director** was in error in finding that (State any specific ground relied on in the appeal).

WHEREFORE, petitioner prays said license be (issued, restored, etc.) as petitioned for.

XYZ MORTGAGE BROKER
By Its Attorney
(Mailing Jurat in Standard Form)

*[(28)]***(26)** *[Costs.]* **Recordation of Proceedings; Assessment of Costs. If the parties consent, the hearing may be recorded by means other than a court reporter. If** *[T]***t**he board *[will]* obtain**s** the services of a court reporter *[to transcribe the hearing.]***,** *[T]***t**he costs of original and four (4) copies of the transcript shall be taxed against the losing party.

*[(29)]***(27)** Service of Process. The *[commissioner of finance]* **director** or a deputy shall be the agent for service of process on the board in any appeal arising from a decision of the board.

AUTHORITY: sections 443.816[, RSMo (Cum. Supp. 1996)] and 536.023, RSMo [(1994)] ***Supp. 2009****. This rule originally filed as 4 CSR 140-31.020. Emergency rule filed Nov. 25, 1996, effective Dec. 5, 1996, expired June 2, 1997. Original rule filed Nov. 25, 1996, effective May 30, 1997. Moved to 20 CSR 1140-31.020, effective Aug. 28, 2006. Amended: Filed April 15, 2010.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with James W. Gallaher, IV, Senior Counsel, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 4—Appeals, Investigations, Hearings and Grievances

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo 2000, the board amends a rule as follows:

1 CSR 20-4.010 Appeals **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2010 (35 MoReg 98–99). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held March 9, 2010, with the public comment period ending the same day. One (1) written comment was received prior to the hearing and one (1) comment was made at the public hearing.

COMMENTS: Brian Wood of Wickham & Wood, LLC, on behalf of Service Employees International Union, Local 2000, submitted a written comment on the proposed amendment to 1 CSR 20-4.010(3)(B)10. requesting that the board not go forward with this rulemaking on the basis that in employment cases the employer generally goes first and to change that is fundamentally unfair and will make the cases last longer. Similarly, Bradley Harmon with the Communication Workers of America commented at the public hearing that since additional layoffs have been announced this generally results in dismissals of employees the employer perceives as marginal before the layoffs occur. He feels it is particularly important that merit employees not have their due process rights to appeal to the board diluted.

RESPONSE: It has been the experience of the board that it is no longer best for the non-merit employer to go first to prove why the non-merit employee was dismissed as the employer does not have to have a reason for the dismissal. It is the employee who will provide the board with the clearer and quicker picture of the issues. In a section 105.055, RSMo, case, the employer often does not know the full extent of the employee's claims, including what the alleged disclosure and retaliation were, as the alleged retaliation may not be a traditional discipline such as a dismissal, demotion, or a suspension of more than five (5) days. In cases where the employer had this lack of knowledge, the employer presenting its case first was of little value as the employer was trying to rebut evidence that had not been presented. The employer generally had to put on evidence after the employee put on his/her evidence, which makes for a longer hearing. Additionally, under 105.055, RSMo, the employee has the option of filing the case directly in Circuit Court and by-passing the board. If that occurs, the employee is required to file a petition and will be required to present his/her case first. It is important to note that the proposed changes to 1 CSR 20-4.010(3)(B)10. were made to 1 CSR 20-3.070(5)(E) and (F) effective February 28, 2009. Thus, non-merit employees and plaintiffs in a whistleblower case are already required to present their case first. The board realized that it needed to make the same revision to 1 CSR 20-4.010(3)(B)10. because at present these two (2) regulations are in conflict with each other. For this reason, no change to the amendment is proposed in response to these comments.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 7—Water Quality

ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission under section 644.026, RSMo 2000, the commission amends a rule as follows:

10 CSR 20–7.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 2, 2009 (34 MoReg 2394–2416). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held January 6, 2010, and the public comment period ended on January 13, 2010. At the public hearing the Permits and Engineering staff of the Water Pollution Control Program explained the amendment, and the Missouri Public Utility Alliance and Robert Brundage (Newman, Comley and Ruth) on behalf of a number of municipal clients provided oral testimony. Written comments were provided by the City of Carl Junction, the City of Independence, the City of Jefferson, the City of Joplin, the City of West Plains, Geosyntec consultants, Kansas City, Missouri, the Little Blue Valley Sewer District, the Metropolitan St. Louis Sewer District, the Missouri Public Utility Alliance, the Unified Government of Wyandotte County & Kansas City, Kansas, and the U.S. Environmental Protection Agency.

COMMENT #1: The U.S. Environmental Protection Agency (EPA) commented that federal regulations (40 CFR 122.45(d)) require all permit effluent limitations for continuous discharges from publicly-owned treatment works (POTWs) be stated as average weekly and average monthly, unless unpracticable. Regarding the same issue, Geosyntec consultants provided comments in support of the proposed use of a monthly geometric mean as a measure of compliance with *Escherichia coli* criteria for these facilities. Geosyntec noted that federal regulations (40 CFR 122.44(d)(1)(vii)) require states to develop water quality-based effluent limitations that are derived from and comply with applicable water quality standards. Missouri's *E. coli* criteria was largely based on EPA's 1986 bacteria criteria document which relied on epidemiological studies based on thirty (30)-day geometric means of at least five (5) samples. Geosyntec argued that the application of a daily or weekly limit does not conform to the applicable water quality standard and would be unnecessarily more restrictive than the underlying criteria, which is based on a geometric mean over the entire recreational season. To further support this position, Geosyntec referred to a November 15, 2006, *Memo Clarifying EPA's Position of the Use of the Daily Time Increment When Establishing Total Maximum Daily Loads for Pollutants* signed by Benjamin Grumbles (former EPA assistant administrator) which stated that the central statutory requirement for water quality-based effluent limits in National Pollutant Discharge Elimination System (NPDES) permits is that they implement applicable water quality standards. The memo further states that, "water quality criteria consist of three components (1) magnitude, (2) duration, and (3) frequency. . . Duration is the period of time (averaging period) over which the in-water concentration is averaged for comparison with criteria concentrations. . . Accordingly, effluent limits in NPDES permits may be written in a form that derives from, and complies with, applicable water quality standards that use any of these various time measures."

Support for the use of a monthly geometric mean effluent limitation was also provided by 1) City of Independence, Water Pollution Control Department, 2) City of Jefferson, Water Utility Services, 3) Kansas City, Missouri, Water Services Department, 4) Little Blue Valley Sewer District, 5) Metropolitan St. Louis Sewer District, and 6) Unified Government of Wyandotte County & Kansas City, Kansas Public Works Department, Water Pollution Control Division. Several of the communities made points similar to those provided by Geosyntec, and several noted that a number of other states (Kansas, Nebraska, Wisconsin, Pennsylvania, and Texas) do not require the use of weekly average or daily maximum effluent limitations for bacteria. The City of Independence and the Unified Government of Wyandotte County & Kansas City, Kansas Public Works Department, Water Pollution Control Division noted that adopting a weekly average *E. coli* limitation would potentially increase disinfection costs substantially, and the fiscal notes and the original Regulatory Impact Report (RIR) for this rulemaking (10 CSR 20-7.015) do not reflect these additional costs.

RESPONSE: A review of the federal regulations concerning this issue has revealed an apparent conflict. 40 CFR 122.44(d)(1)(vii) requires states to develop water quality-based effluent limitations that are derived from and comply with applicable water quality standards, which in the case of Missouri's *E. coli* criteria means that compliance should reflect a duration that spans the recreational season consistent with the bacteria water quality criteria. However, 40 CFR 122.45(d) requires all permit effluent limitations for continuous discharges from POTWs be stated as average weekly and average monthly basis, and for all dischargers other than POTWs maximum daily and average monthly basis. EPA has indicated that they intend to object to any permits unless they include limitations written in the form specified by 40 CFR 122.45(d).

In response to these comments, the department proposed the addition of a sentence in the *E. coli* monitoring paragraphs and subparagraphs stating that the department is not precluded from developing and including in permits appropriate maximum daily and average weekly effluent limits for *E. coli*. A method to develop these shorter-term effluent limits for *E. coli* that are protective of the seasonal water quality standard has not been developed, and the department proposed to work with EPA to determine the appropriate values. This effort requires a review of the literature as well as an analysis of local statistical information from *E. coli* monitoring at representative facilities. During the adoption hearing, the Clean Water Commission directed staff to remove this sentence from each of the paragraphs. Therefore, no changes were made to the rule as a result of this comment.

The frequency of monitoring is not being changed, so the costs presented in the RIR and fiscal note will not change. The costs to install and operate disinfection systems were not included as part of this rulemaking because those costs were considered during the recent revision to 10 CSR 20-7.031 Water Quality Standards when the bacteria standard was changed from fecal coliform to *E. coli*.

COMMENT #2: The cities of Carl Junction, Joplin, and West Plains provided comments opposing the removal of paragraphs (3)(B)5. and (4)(B)6. and subparagraphs (2)(B)3.E. and (8)(B)3.E., which authorized noncontinuous wet-weather discharges from secondary outfalls with limits of forty-five milligrams per liter (45 mg/L) weekly average for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). These communities stated that the removal of these permitted discharges will not provide any measurable environmental benefit, particularly in light of the fact that these discharges occur infrequently and only during wet-weather events. During these events the inflow is dilute and the discharges occur when the magnitude of stream flows is high.

RESPONSE: The proposed revision is in response to the federal statute that requires all wastewater to receive secondary treatment. EPA has indicated that they will object to any permits that are issued that authorize discharges of any water that does not receive secondary treatment. EPA characterizes these discharges as bypasses. The department recognizes that it will take considerable time and capital investment to eliminate these discharges and is developing a consent agreement that will provide a process by which the affected communities can prepare a bypass elimination plan, and then work to reduce inflow and infiltration, increase overflow storage, or develop increased treatment capacity. No changes were made to the rule as a result of these comments.

COMMENT #3: The Missouri Public Utility Alliance (MPUA) provided testimony and written comments concerning the financial impact associated with the removal of paragraphs (3)(B)5. and (4)(B)6. and subparagraphs (2)(B)3.E. and (8)(B)3.E., which authorized noncontinuous wet-weather discharges from secondary outfalls with limits of forty-five milligrams per liter (45 mg/L) weekly average for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). The costs ($196M) presented in the fiscal note are based on increasing the current sewer rates up to an amount that reflects a sewer rate of two percent (2%) of the median household income. The "maximum costs" referenced in the fiscal note are merely a tally of increased revenues that could be raised if all of the municipalities cumulatively raised rates to two percent (2%) of the median household income. This cost estimate is not based on an engineering study or review of the capital expenses needed to correct the issues. Instead, the rationale applied in the fiscal note is that EPA will consider expenditures exceeding two percent (2%) of median household income to be a financial hardship. The MPUA disagrees with the fiscal note statement that ". . . a rigorous analysis of the engineering solutions by each community will likely show that the actual costs will be somewhat less than those given in Table A." The MPUA strongly asserts that this rationale is not appropriate. A sewer rate that is at or above two percent (2%) of the median household income is not a guarantee that regulatory-imposed rehabilitation work will end. The upper bound has not been set by EPA, and this issue has not been clarified in EPA guidance documents.

RESPONSE: The department appreciates the assistance provided by the MPUA to help develop and evaluate the very significant fiscal ramifications of this regulatory change. The MPUA provided sewer rate, population, and income statistics for most of the affected communities which served as the basis for much of the fiscal note. MPUA raises valid concerns about whether the two percent (2%) of median household income will serve as an upper bound by EPA as part of an individual community's utility analysis. EPA guidance indicates that mid-range fiscal impacts are expected if the total annual compliance costs for wastewater are between one and two percent (1%–2%) of median household income. The two percent (2%) figure was chosen because it is the top of the range, and the guidance says that if the costs exceed two percent (2%) of the median household income, it may represent an unreasonable financial burden to a community. The guidance continues by specifying that other tests of affordability be considered as well, such as the ability of the community to obtain finance, the level of current community debt, and the socioeconomic and financial management conditions of the community.

The department continues to assert that many communities may find less expensive engineering solutions. A few of the affected communities may need to spend very little to comply. A calculation considering the costs to each individual affected community is not practicable because the conditions in each community are unique. And in the absence of a more rigorous method to estimate the costs associated with the removal of this provision, no changes were made to the rule as a result of this comment.

COMMENT #4: The MPUA supports the use of a consent agreement that is being developed by the wet-weather stakeholder group to provide the affected communities the time they will need to address the removal of paragraphs (3)(B)5. and (4)(B)6. and subparagraphs (2)(B)3.E. and (8)(B)3.E., which authorized noncontinuous wet-weather discharges from secondary outfalls with limits of forty-five milligrams per liter (45 mg/L) weekly average for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). MPUA requests that the department hold permits until this agreement is available for those communities that need this extra time to comply. MPUA also requests that the consent agreement be made available to communities whose permits were renewed after 2005.

RESPONSE: The department intends to work to develop a consent agreement that requires the affected communities to develop a bypass elimination plan and then to follow that plan to reduce the number of discharges from secondary outfalls that will no longer be authorized. The department will work with affected communities on a case-by-case basis regarding the consent agreement and will re-open permits for those communities that are interested in entering into a consent agreement once it has been developed. No changes were made to the rule as a result of this comment.

COMMENT #5: Mr. Robert Brundage (Newman, Comley and Ruth) provided testimony on behalf of a number of municipal clients in support of the development of a consent agreement that is being developed by the wet-weather stakeholder group to provide the affected communities the time they will need to address the removal of paragraphs (3)(B)5. and (4)(B)6. and subparagraphs (2)(B)3.E. and (8)(B)3.E., which authorized noncontinuous wet-weather discharges from secondary outfalls with limits of forty-five milligrams per liter (45 mg/L) weekly average for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). Mr. Brundage noted that it is important that the department work to develop implementation strategies concurrently with rulemaking, for this rule and for future rulemakings.

RESPONSE: The department appreciates the support of an implementation strategy to address these wet-weather issues and intends to consider implementation strategies as part of rulemaking where possible. No changes were made to the rule as a result of this comment.

COMMENT #6. The cities of Carl Junction and Joplin commented that the physical elimination of overflow structures in their primary clarifiers would risk the integrity of the structures, so these overflows cannot be physically eliminated.

RESPONSE: The proposed amendment is not intended to eliminate necessary overflow structures. However, under the proposal, the discharge from these structures will not be authorized. No changes were made to the rule as a result of this comment.

COMMENT #7: The Metropolitan St. Louis Sewer District strongly supported the addition of section (10) of the rule that incorporates by reference the EPA Combined Sewer Overflow Policy. This will allow the department to be consistent with EPA in implementation of Combined Sewer Overflow Controls.

RESPONSE: The department appreciates the support regarding this new section. No changes were made to the rule as a result of this comment.

COMMENT #8: The Water Quality Monitoring and Assessment Section commented that the organism *Escherichia coli* is commonly abbreviated *E. coli,* not *e. coli*.

RESPONSE AND EXPLANATION OF CHANGE: The department has corrected the abbreviation throughout the rule.

COMMENT #9: The Permit and Engineering Section noted that a weekly monitoring frequency for *E. coli* (thirty (30) samples per recreational season) conflicts with the monitoring frequency already specified by this rule that requires one (1) sample to be analyzed per year for each fifty thousand (50,000) gallons per day of effluent, or fraction thereof. Wastewater treatment plants that exceed 1.5 million gallons per day are required to collect more than thirty (30) samples per year. These large facilities currently collect and analyze bacteria samples on a more frequent basis than once per week. This more frequent monitoring should be maintained.

RESPONSE AND EXPLANATION OF CHANGE: In the monitoring subparagraphs of sections (2), (3), (5), and (8), qualifying language was added to require weekly sampling as a minimum frequency. For large facilities the monitoring frequency for *E. coli* will be more than weekly, depending upon size. There is no fiscal ramification expected from this change because these facilities are already analyzing for fecal coliform, and the change to *E. coli* is not expected to result in a significant change in costs.

COMMENT #10: EPA provided comments about subparagraph (8)(A)4.C., noting that the language is confusing. EPA asked if the last clause meant that the *E. coli* standards cannot be exceeded in the downstream segment designated for whole body contact or secondary contact recreational, or does it mean that the *E. coli* standards cannot be exceeded in the stream receiving the direct discharge. In addition, the units of "days" should be specified for the variable "t" in the equation at the end of this subparagraph.

RESPONSE AND EXPLANATION OF CHANGE: Language in this portion of the rule has been clarified to make it clear that the limits apply to the effluent itself. In addition the equation was modified to include "days" in the definition of the variable "t."

COMMENT #11: EPA commented that using the first order decay equation at the end of subparagraph (8)(A)4.C. may not be consistent with the Clean Water Act under some conditions. During certain dry weather conditions, there may be no flow in the stream and applying this equation means that a facility could discharge unlimited amounts of *E. coli*. Then if a stream has any flow under conditions other than dry weather conditions, the permit limits would not be protective.

RESPONSE AND EXPLANATION OF CHANGE: The application of this decay equation is intended to represent worse case stream conditions. Language was modified to reflect the concept that a valid time of travel study is required to use the decay equation. The department is working to develop a technical guidance for determining

when the application of this decay equation is appropriate and for specifying the appropriate method for determining the time of travel. If a permit writer does not believe that applying bacteria decay is appropriate, the water quality standard will be applied at the end of the pipe.

COMMENT #12: EPA commented that subparagraph (8)(A)4.C. is silent on discharges located more than two (2) miles upstream from stream segments or lakes designated for whole body contact or secondary contact recreational. Discharge limits on NPDES permits are required to be protective of all uses in the receiving waterbody and all downstream waterbodies.
RESPONSE: The language in the rule as proposed does not prevent the department from placing effluent limits that are protective of whole body contact or secondary contact recreational uses. In cases where discharges are known to interfere with these uses, permit writers place appropriate effluent limits into the permit. No changes to the rule were made as a result of this comment.

COMMENT #13: EPA commented that the correct title of the reference in paragraph (9)(I)1. is *Missouri Recreational Use Attainability Analysis Protocol*.
RESPONSE AND EXPLANATION OF CHANGE: The word "Protocol" was added to correct the title of the reference in this paragraph.

COMMENT #14: EPA commented that pH ranges of six to nine standard units (6–9 SU) are specified throughout the regulation. This is inconsistent with state water quality standards of pH being maintained between six and one-half and nine standard units (6.5 and 9.0 SU).
RESPONSE AND EXPLANATION OF CHANGE: Specifying limits using only one (1) significant digit could lead to confusion about the actual pH range. For instance, someone may consider a pH of 5.7 to be in compliance because this figure may be rounded to six (6). The pH requirements provided in 10 CSR 20-7.031 Water Quality Standards were likely based on an EPA publication titled "Quality Criteria for Water 1986," published on May 1, 1986, commonly referred to as the "gold book." The purpose of this publication was to present scientific data and guidance of the environmental effects of pollutants that are useful in deriving regulatory requirements. For protection of aquatic life, the "gold book" recommends a pH range of six and one-half to nine (6.5–9.0), and this is the range that Missouri adopted in 10 CSR 20-7.031. To be protective of water quality, it is currently a permitting practice to require wastewater treatment plants to maintain their pH between six and one-half (6.5) and nine (9). Therefore, the rule will be changed to be consistent with 10 CSR 20-7.031. The pH range of six to nine (6–9) was changed to six and one-half to nine (6.5–9.0) and references to a minimum pH of six (6.0) was changed to six and one-half (6.5) in the following locations: paragraphs (2)(A)2., (4)(B)3., (8)(A)2., and (9)(G)1. and subparagraphs (2)(A)3.A., (3)(A)1.B., and (8)(A)3.A.

COMMENT #15: EPA commented that the effluent regulations do not mention the federal secondary treatment percent removal requirements for BOD and TSS.
RESPONSE: The federal percent removal requirements are currently being placed into permits to assure that facilities meet this federal requirement. The department intends to consider this comment in a future rulemaking. No changes to the rule were made as a result of this comment.

COMMENT #16: EPA commented that the provisions of subsection (9)(E) are not consistent with the federal bypass provisions of 40 CFR 122.41(m). The state provisions rephrase the federal bypass regulation, and in doing so have altered the meaning, in some instances making the state provisions inconsistent with federal provisions.
RESPONSE: The department is aware of these inconsistencies and intends to correct this in a future rulemaking. No changes were made as a result of this comment.

COMMENT #17: EPA commented that the provisions of subsection (2)(B) address the discharge of suspended solids from water treatment plants. EPA noted that all point source discharges, including discharges of suspended solids from water treatment plants, must also comply with applicable water quality standards to protect the designated uses.
RESPONSE: The department is aware of this issue, and intends to consider changes to this subsection at a later date. No changes were made as a result of this comment.

10 CSR 20-7.015 Effluent Regulations

(2) Effluent Limitations for the Missouri and Mississippi Rivers. The following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility.

(A) Discharges from wastewater treatment facilities which receive primarily domestic waste or from publicly-owned treatment works (POTWs) shall undergo treatment sufficient to conform to the following limitations:

1. Biochemical Oxygen Demand$_5$ (BOD_5) and Total Suspended Solids (TSS) equal to or less than a monthly average of thirty milligrams per liter (30 mg/L) and a weekly average of forty-five milligrams per liter (45 mg/L);

2. pH shall be maintained in the range from six and one-half to nine (6.5–9.0) standard units;

3. Exceptions to paragraphs (2)(A)1. and 2. of this rule are as follows:

A. If the facility is a wastewater lagoon, the TSS shall be equal to or less than a monthly average of eighty milligrams per liter (80 mg/L) and a weekly average of one hundred twenty milligrams per liter (120 mg/L) and the pH shall be maintained above six and one-half (6.5), and the BOD_5 shall be equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L);

B. If the facility is a trickling filter plant the BOD_5 and TSS shall be equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L);

C. Where the use of effluent limitations set forward in this section is known or expected to produce an effluent that will endanger or violate water quality, the department will set specific effluent limitations for individual dischargers to protect the water quality of the receiving streams. When a waste load allocation or a total maximum daily load study is conducted for a stream or stream segment, all permits for discharges in the study area shall be modified to reflect the limits established in the study;

D. The department may require more stringent limitations than authorized in subsection (3)(A) of this rule under the following conditions:

(I) If the facility is an existing facility, the department may set the BOD_5 and TSS limits based upon an analysis of the past performance, rounded up to the next five milligrams per liter (5 mg/L) range; and

(II) If the facility is a new facility, the department may set the BOD_5 and TSS limits based upon the design capabilities of the plant considering geographical and climatic conditions;

(a) A design capability study has been conducted for new lagoon systems. The study reflects that the effluent limitations should be BOD_5 equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L) and TSS equal to or less than a monthly average of seventy milligrams per liter (70 mg/L) and a weekly average of one hundred ten milligrams per liter (110 mg/L).

(b) A design capability study has been conducted for new trickling filter systems and the study reflects that the effluent limitations should be BOD_5 and TSS equal to or less than a monthly average of forty milligrams per liter (40 mg/L) and a weekly average of sixty milligrams per liter (60 mg/L);

4. *E. coli*: Discharges to segments designated as whole body contact recreational or secondary contact recreational in Table H of 10 CSR 20-7.031 shall not exceed the water quality *E. coli* counts established in 10 CSR 20-7.031(4)(C)2. Facilities without disinfected effluent shall comply with the implementation schedule found in subsection (9)(H) of this rule. During periods of wet weather, a temporary suspension of accountability for bacteria standards may be established through the process described in subsection (9)(I) of this rule;

5. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and

6. When the wastewater treatment process causes nitrification which affects the BOD_5 reading, the permittee can petition the department to substitute carbonaceous BOD_5 in lieu of regular BOD_5 testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD_5 at five milligrams per liter (5 mg/L) less than the regular BOD_5 in the operating permit.

(B) The suspended solids which are present in stream water and which are removed during treatment may be returned to the same body of water from which they were taken, along with any additional suspended solids resulting from the treatment of water to be used as public potable water or industrial purposes using essentially the same process as a public water treatment process. This includes the solids that are removed from potable waters that are withdrawn from wells located in the alluvial valley of the Missouri and Mississippi Rivers.

(C) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that shall require, at a minimum, one (1) wastewater sample per year for each fifty thousand (50,000) gallons per day (gpd) of effluent, or fraction thereof, except that—

A. Point sources that discharge less than twenty-five thousand (25,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one (1) million gallons per day (mgd) will be required, at a minimum, to collect twenty (20) wastewater samples per year unless the applicant can show that the wastewater has a consistent quality, such as once through cooling water or mine dewatering, then the department may set less frequent sampling requirements;

C. Sludge sampling will be established in the permit; and

D. A minimum of one (1) sample shall be collected for *E. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *E. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall collect samples on a regular evenly spaced schedule, while point sources with seasonal discharges shall collect samples evenly spaced during the season of discharge.

3. Sample types shall be as follows:

A. Samples collected from lagoons may be grab samples;

B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

C. Sludge samples will be grab samples unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (2)(D)3. of this rule are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(3) Effluent Limitations for the Lakes and Reservoirs.

(A) The following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility to a lake or reservoir designated in 10 CSR 20-7.031 as L2 and L3 which is publicly owned. Releases to lakes and reservoirs include discharges into streams one-half (1/2) stream mile (.80 km) before the stream enters the lake as measured to its normal full pool.

1. Discharges from wastewater treatment facilities which receive primarily domestic waste or from POTWs shall undergo treatment sufficient to conform to the following limitations:

A. BOD_5 and TSS equal to or less than a monthly average of twenty milligrams per liter (20 mg/L) and a weekly average of thirty milligrams per liter (30 mg/L);

B. pH shall be maintained in the range from six and one-half to nine (6.5–9.0) standard units;

C. *E. coli*: Discharges to lakes designated as whole body contact recreational or secondary contact recreational in Table G of 10 CSR 20-7.031 shall not exceed the water quality *E. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031. Facilities without disinfected effluent shall comply with the implementation schedule found in subsection (9)(H) of this rule. During periods of wet weather, a temporary suspension of accountability for bacteria standards may be established through the process described in subsection (9)(I) of this rule;

D. Where the use of effluent limitations set forth in section (3) of this rule is known or expected to produce an effluent that will endanger or violate water quality, the department may either—conduct waste load allocation studies in order to arrive at a limitation which protects the water quality of the state or set specific effluent limitations for individual dischargers to protect the water quality of the receiving streams. When a waste load allocation study is conducted for a stream or stream segment, all permits for discharges in the study area shall be modified to reflect the limits established in the waste load allocation study;

E. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and

F. When the wastewater treatment process causes nitrification which affects the BOD_5 reading, the permittee can petition the department to substitute carbonaceous BOD_5 in lieu of regular BOD_5 testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD_5 at five milligrams per liter (5 mg/L) less than the regular BOD_5 in the operating permit.

(B) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that will require, at a minimum, one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—

A. Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one point three (1.3) mgd will be required, at a minimum, to collect fifty-two (52) wastewater samples per year unless the applicant can show that the wastewater has a consistent quality, such as once through cooling water or mine dewatering, then the department may set less frequent sampling requirements;

C. Sludge sampling will be established in the permit; and

D. A minimum of one (1) sample shall be collected for *E. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *E. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall take samples on a regular evenly spaced schedule, while point sources with seasonal discharges shall collect samples evenly spaced during the season of discharge.

3. Sample types shall be as follows:

A. Samples collected from lagoons may be grab samples;

B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

C. Sludge samples shall be grab samples unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (3)(B)3. of this rule are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(C) For lakes designated in 10 CSR 20-7.031 as L1, which are primarily used for public drinking water supplies, there will be no discharge into the watersheds above these lakes from domestic or industrial wastewater sources regulated by these rules. Discharges from potable water treatment plants, such as filter wash, may be permitted. Separate storm sewers will be permitted, but only for the transmission of storm water. Discharges permitted prior to the effective date of this requirement may continue to discharge so long as the discharge remains in compliance with its operating permit.

(D) For lakes designated in 10 CSR 20-7.031 as L3 which are not publicly owned, the discharge limitations shall be those contained in section (8) of this rule.

(E) In addition to other requirements in this section, discharges to Lake Taneycomo and its tributaries between Table Rock Dam and Power Site Dam (and excluding the discharges from the dams) shall not exceed five-tenths milligrams per liter (0.5 mg/L) of phosphorus as a monthly average. Discharges meeting both the following conditions shall be exempt from this requirement:

1. Those permitted prior to May 9, 1994; and

2. Those with design flows of less than twenty-two thousand five hundred (22,500) gpd. All existing facilities whose capacity is increased would be subject to phosphorus limitations. The department may allow the construction and operation of interim facilities without phosphorus control provided their discharges are connected to regional treatment facilities with phosphorus control not later than three (3) years after authorization. Discharges in the White River basin and outside of the area designated above for phosphorus limitations shall be monitored for phosphorus discharges, and the frequency of monitoring shall be the same as that for BOD_5 and TSS, but not less than annually. The department may reduce the frequency of monitoring if the monitoring data is sufficient for water quality planning purposes.

(F) In addition to other requirements in this section, discharges to Table Rock Lake watershed, defined as hydrologic units numbered 11010001 and 11010002, shall not exceed five-tenths milligrams per liter (0.5 mg/L) of phosphorus as a monthly average according to the following schedules except as noted in paragraph (3)(F)5. of this rule.

1. Any new discharge shall comply with this new requirement upon the start of operations;

2. Any existing discharge, or any sum of discharges operated by a single continuing authority, with a design flow of one (1.0) mgd or greater shall comply no later than November 30, 2003;

3. Any existing discharge, or any sum of discharges operated by a single continuing authority, with a design flow of one-tenth (0.1) mgd or greater, but less than one (1.0) mgd, shall comply no later than November 30, 2007, and shall not exceed one milligram per liter (1.0 mg/L) as a monthly average as soon as possible and no later than November 30, 2003;

4. Any existing discharge with a design flow of twenty-two thousand five hundred (22,500) gpd or greater, but less than one-tenth (0.1) mgd, shall comply no later than November 30, 2007;

5. Any existing discharge with a design flow of less than twenty-two thousand five hundred (22,500) gpd permitted prior to November 30, 1999, shall be exempt from this requirement unless the design flow is increased; and

6. Any existing discharge in which the design flow is increased shall comply according to the schedule applicable to the final design flow.

(4) Effluent Limitations for Losing Streams.

(A) Discharges to losing streams shall be permitted only after other alternatives including land application, discharge to a gaining stream, and connection to a regional wastewater treatment facility have been evaluated and determined to be unacceptable for environmental and/or economic reasons.

(B) If the department agrees to allow a release to a losing stream, the permit will be written using the limitations contained in subsections (4)(B) and (C) of this rule. Discharges from wastewater treatment facilities which receive primarily domestic waste or from POTWs permitted under this section shall undergo treatment sufficient to conform to the following limitations:

1. BOD_5 equal to or less than a monthly average of ten milligrams per liter (10 mg/L) and a weekly average of fifteen milligrams per liter (15 mg/L);

2. TSS equal to or less than a monthly average of fifteen milligrams per liter (15 mg/L) and a weekly average of twenty milligrams per liter (20 mg/L);

3. pH shall be maintained in the range from six and one-half to nine (6.5–9.0) standard units;

4. *E. coli*: Discharges shall not exceed the water quality *E. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031;

5. All chlorinated effluent discharges to losing streams or within two (2) stream miles flow distance upstream of a losing stream shall also be dechlorinated prior to discharge;

6. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and

7. When the wastewater treatment process causes nitrification which affects the BOD_5 reading, the permittee can petition the department to substitute carbonaceous BOD_5 in lieu of regular BOD_5 testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD_5 at five milligrams per liter (5 mg/L) less than the regular BOD_5 in the operating permit.

(C) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that shall require, at a minimum, one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—

A. Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one point three (1.3) mgd will be required at a minimum to collect fifty-two (52) wastewater samples per year unless the applicant can show that the wastewater has a consistent quality, such as once through cooling water or mine dewatering, then the department may set less frequent sampling requirements;

C. Sludge samples will be established in the permit; and

D. A minimum of one (1) sample shall be collected for *E. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *E. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall take samples on a regular schedule, while point sources with seasonal discharges shall collect samples during the season of discharge.

3. Sample types shall be as follows:

A. Samples collected from lagoons may be grab samples;

B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

C. Sludge samples shall be a grab sample unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (4)(C)3. of this rule are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(5) Effluent Limitations for Metropolitan No-Discharge Streams.

(A) Discharge to metropolitan no-discharge streams is prohibited, except as specifically permitted under the Water Quality Standards 10 CSR 20-7.031 and noncontaminated storm water flows.

(B) All permits for discharges to these streams shall be written to ensure compliance with the Water Quality Standards.

(C) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that shall require, at a minimum, one (1) wastewater sample per year for each twenty-five thousand (25,000) gpd of effluent, or fraction thereof, except that—

A. Point sources that discharge less than five thousand (5,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one point three (1.3) mgd will be required at a minimum to collect fifty-two (52) wastewater samples per year;

C. Sludge sampling will be established in the permit; and

D. A minimum of one (1) sample shall be collected for *E. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *E. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall take samples on a regular schedule, while point sources with seasonal discharges shall collect samples during the season of discharge.

3. Sample types shall be as follows:

A. Samples collected from lagoons may be grab samples;

B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

C. Sludge samples shall be a grab sample unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (5)(C)3. of this rule are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(8) Effluent Limitations for All Waters, Except Those in Paragraphs (1)(A)1.–6. of This Rule. The following limitations represent the maximum amount of pollutants which may be discharged from any point source, water contaminant source, or wastewater treatment facility.

(A) Discharges from wastewater treatment facilities which receive primarily domestic waste or POTWs shall undergo treatment sufficient to conform to the following limitations:

1. BOD_5 and TSS equal to or less than a monthly average of thirty milligrams per liter (30 mg/L) and a weekly average of forty-five milligrams per liter (45 mg/L);

2. pH shall be maintained in the range from six and one-half to nine (6.5–9.0) standard units;

3. The limitations of paragraphs (8)(B)1. and 2. of this rule will be effective unless a water quality impact study has been conducted by the department, or conducted by the permittee and approved by the department, showing that alternate limitation will not cause violations of the Water Quality Standards or impairment of the uses in the standards. When a water quality impact study has been completed to the satisfaction of the department, the following alternate limitation may be allowed:

A. If the facility is a wastewater lagoon, the TSS shall be equal to or less than a monthly average of eighty milligrams per liter (80 mg/L) and a weekly average of one hundred twenty milligrams per liter (120 mg/L) and the pH shall be maintained above six and one-half (6.5), and the BOD_5 shall be equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L);

B. If the facility is a trickling filter plant, the BOD_5 and TSS shall be equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L);

C. Where the use of effluent limitations set forth in section (8) of this rule is known or expected to produce an effluent that will endanger water quality, the department will set specific effluent limitations for individual dischargers to protect the water quality of the receiving streams. When a waste load allocation study is conducted for a stream or stream segment, all permits for discharges in the study area shall be modified to reflect the limits established in the waste load allocation study; and

D. The department may require more stringent limitations than authorized in subsections (3)(A) and (B) of this rule under the following conditions:

(I) If the facility is an existing facility, the department may set the BOD_5 and TSS limits based upon an analysis of the past performance, rounded up to the next five milligrams per liter (5 mg/L) range; and

(II) If the facility is a new facility, the department may set the BOD_5 and TSS limits based upon the design capabilities of the plant considering geographical and climatic conditions:

(a) A design capability study has been conducted for new lagoon systems. The study reflects that the effluent limitations should be BOD_5 equal to or less than a monthly average of forty-five milligrams per liter (45 mg/L) and a weekly average of sixty-five milligrams per liter (65 mg/L) and TSS equal to or less than a monthly average of seventy milligrams per liter (70 mg/L) and a weekly average of one hundred ten milligrams per liter (110 mg/L); or

(b) A design capability study has been conducted for new trickling filter systems and the study reflects that the effluent limitations should be BOD_5 and TSS equal to or less than a monthly average of forty milligrams per liter (40 mg/L) and a weekly average of sixty milligrams per liter (60 mg/L);

4. *E. coli*. The following water quality *E. coli* discharge limits apply to all waters, except those in paragraphs (1)(A)1.-6. of this rule:

A. Discharges to stream segments designated as whole body contact recreational or secondary contact recreational in Table H of 10 CSR 20-7.031 shall not exceed the water quality *E. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031;

B. Discharges to privately-owned lakes classified as L3, as defined in subsection (1)(F) of 10 CSR 20-7.031, that are designated as whole body contact recreational or secondary contact recreational in Table G of 10 CSR 20-7.031 shall not exceed the water quality *E. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031. Discharges include releases into streams one-half (1/2) stream mile (.80 km) before the stream enters the lake as measured to its normal full pool;

C. Discharges located within two (2) miles upstream of stream segments or lakes designated for whole body contact recreational or secondary contact recreational in Tables H and G of 10 CSR 20-7.031 shall not exceed the water quality *E. coli* counts established in paragraph (4)(C)2. of 10 CSR 20-7.031 for the receiving stream segment or lake designated for those uses. As an alternative, the department may allow permit applicants to conduct a time of travel study for use

in developing water quality discharge limits calculated using the following first order decay equation:

$$C_0 = C_{(t)}e^{kt}$$

Where:
C_0 = concentration of *E. coli* at the outfall, which becomes the effluent limit;
$C_{(t)}$ = the water quality *E. coli* count established in paragraph (4)(C)2. of 10 CSR 20-7.031 for the receiving stream segment or lake that is designated as whole body contact recreational or secondary contact recreational in Tables H and G of 10 CSR 20-7.031;
e = the natural logarithmic constant;
k = decay constant for *E. coli* (use 0.75 inverse days as a default or value may be determined by sampling analysis); and
t = time required for effluent to flow from the outfall to the confluence with the closest classified receiving stream segment or lake during dry weather conditions in units of days; and

D. Facilities without disinfected effluent shall comply with the implementation schedule found in subsection (9)(H) of this rule. During periods of wet weather, a temporary suspension of accountability for bacteria standards may be established through the process described in subsection (9)(I) of this rule;

5. Sludges removed in the treatment process shall not be discharged. Sludges shall be routinely removed from the wastewater treatment facility and disposed of or used in accordance with a sludge management practice approved by the department; and

6. When the wastewater treatment process causes nitrification which affects the BOD_5 reading, the permittee can petition the department to substitute carbonaceous BOD_5 in lieu of regular BOD_5 testing. If the department concurs that nitrification is occurring, the department will set a carbonaceous BOD_5 at five milligrams per liter (5 mg/L) less than the regular BOD_5 in the operating permit.

(B) Monitoring Requirements.

1. The department will develop a wastewater and sludge sampling program based on design flow that will require, at a minimum, one (1) wastewater sample per year for each fifty thousand (50,000) gpd of effluent, or fraction thereof, except that—

A. Point sources that discharge less than twenty-five thousand (25,000) gpd may only be required to submit an annual report;

B. Point sources that discharge more than one (1) mgd will be required at a minimum to collect twenty (20) wastewater samples per year unless the applicant can show that the wastewater has a consistent quality, such as once through cooling water or mine dewatering, then the department may set less frequent sampling requirements;

C. Sludge sampling will be established in the permit; and

D. A minimum of one (1) sample shall be collected for *E. coli* analysis each week during the recreational season from April 1 through October 31. Compliance with the *E. coli* water quality standard established in paragraph (4)(C)2. of 10 CSR 20-7.031 shall be determined each calendar month by calculating the geometric mean of all of the samples collected each calendar month.

2. Sampling frequency shall be spread evenly throughout the discharge year. This means that a point source with a continuous discharge shall take samples on a regular schedule, while point sources with seasonal discharges shall collect samples during their season of discharge.

3. Sample types shall be as follows:

A. Samples collected from lagoons may be grab samples;

B. Samples collected from mechanical plants shall be twenty-four (24)-hour composite samples, unless otherwise specified in the operating permit; and

C. Sludge samples shall be a grab sample unless otherwise specified in the operating permit.

4. The monitoring frequency and sample types stated in paragraph (8)(C)3. of this rule are minimum requirements. The permit writer shall establish monitoring frequencies and sampling types to fulfill the site-specific informational needs of the department.

(9) General Conditions.

(A) Monitoring, Analysis, and Reporting.

1. All construction and operating permit holders shall submit reports at intervals established by the permit or at any other reasonable intervals required by the department. The monitoring and analytical schedule shall be as established by the department in the operating permit.

2. The analytical and sampling methods used must conform to the following reference methods unless alternates are approved by the department:

A. *Standard Methods for the Examination of Waters and Wastewaters* (14, 15, 16, 17, 18, 19, 20, and 21st Edition), published by the Water Environment Federation, 601 Wythe Street, Alexandria, VA 22314;

B. *Water Testing Standards, Vol. 11.01 and 11.02,* published by American Society for Testing and Materials, West Conshohocken, PA 19428;

C. *Methods for Chemical Analysis of Water and Wastes* (EPA-600/4-79-020), published by the Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 54202; and

D. *NPDES Compliance Sampling Inspection Manual*, Report no. MCD-51, published by Environmental Protection Agency, Enforcement Division, Office of Water Enforcement, 401 Main Street SW, Washington, DC 20460.

3. Sampling and analysis by the department to determine violations of this regulation will be conducted in accordance with the methods listed in paragraph (9)(A)2. of this rule or any other approved by the department. Violations may be also determined by review of the permittee's self-monitoring reports. Analysis conducted by the permittee or his/her laboratory shall be conducted in such a way that the precision and accuracy of the analyzed results can be determined.

4. If, for any reason, the permittee does not comply with or will be unable to comply with any discharge limitations or standards specified in the permit, the permittee shall provide the department with the following information, with the next discharge monitoring report as required under subsection (9)(A) of this rule:

A. A description of the discharge and cause of noncompliance;

B. The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and

C. The steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

5. In the case of any discharge subject to any applicable toxic pollutant effluent standard under section 307(a) of the federal Clean Water Act, the information required by paragraph (9)(A)4. of this rule regarding a violation of this standard shall be provided within twenty-four (24) hours from the time the owner or operator of the water contaminant source, point source, or wastewater treatment facility becomes aware of the violation or potential violation. If this information is provided orally, a written submission covering these points shall be provided within five (5) working days of the time the owner or operator of the water contaminant source, point source, or wastewater treatment facility becomes aware of the violation.

(B) Dilution Water. Dilution of treated wastewater with cooling water or other less contaminated water to lower the effluent concentration to limits required by an effluent regulation of the Clean Water Law shall not be an acceptable means of treatment.

(C) Compliance.

1. New sources. Water contaminant sources, point sources, and wastewater treatment facilities and their tributary sewer systems on which construction begins after the effective date of the applicable effluent guidelines shall meet all requirements of this regulation and the Missouri Clean Water Law.

2. Sources for which construction and operating permits were issued prior to the effective date of this regulation shall meet all the

requirements of the existing permit. Where the existing permit contains more stringent limitations than those contained in this regulation, the permittee may apply to the department for a modification of the permit to contain the new limitations. The department will notify the applicant of its decision to modify or deny the application within sixty (60) days after receiving an application.

(D) Compliance with New Source Performance Standards.

1. Except as provided in paragraph (9)(D)2. of this rule, any new water contaminant source, point source, or wastewater treatment facility on which construction commenced after October 18, 1972, or any new source, which meets the applicable promulgated new source performance standards before the commencement of discharge, shall not be subject to any more stringent new source performance standards or to any more stringent technology-based standards under subsection 301(b)(2) of the federal Clean Water Act for the shortest of the following periods:

A. Ten (10) years from the date that construction is completed;

B. Ten (10) years from the date the source begins to discharge process or other nonconstruction related wastewater; or

C. The period of depreciation or amortization of the facility for the purposes of section 167 or 169 (or both) of the *Internal Revenue Code* of 1954.

2. The protection from more stringent standards of performance afforded by paragraph (9)(D)1. of this rule does not apply to—

A. Additional or more stringent permit conditions which are not technology based, for example, conditions based on water quality standards or effluent standards or prohibitions under section 307(a) of the federal Clean Water Act; and

B. Additional permit conditions controlling pollutants listed as toxic under section 307(a) of the federal Clean Water Act or as hazardous substances under section 311 of the federal Clean Water Act and which are not controlled by new source performance standards. This exclusion includes permit conditions controlling pollutants other than those identified as hazardous where control of those other pollutants has been specifically identified as the method to control the hazardous pollutant.

(E) Bypassing.

1. Any bypass or shutdown of a wastewater treatment facility and tributary sewer system or any part of a facility and sewer system that results in a violation of permit limits or conditions is prohibited except—

A. Where unavoidable to prevent loss of life, personal injury, or property damages;

B. Where unavoidable excessive storm drainage or runoff would damage any facilities or processes necessary for compliance with the effluent limitations and conditions of this permit; and

C. Where maintenance is necessary to ensure efficient operation and alternative measures have been taken to maintain effluent quality during the period of maintenance;

2. The permittee shall notify the department by telephone within twenty-four (24) hours and follow with a written report within five (5) days of all bypasses or shutdowns that result in a violation of permit limits or conditions. POTWs that bypass during storm water infiltration events need only report on their discharge monitoring reports. This section does not excuse any person from any liability, unless this relief is otherwise provided by the statute.

(F) Sludge facilities shall meet the applicable control technology for sewage sludge treatment, use, and disposal as published by the EPA in 40 CFR 503 and applicable state standards and limitations published in 10 CSR 20 and 10 CSR 80. Where there are no standards available or applicable, or when more stringent standards are appropriate to protect human health and the environment, the department shall set specific limitations in permits on a case-by-case basis using best professional judgment.

(G) Industrial, agricultural, and other nondomestic water contaminant sources, point sources, or wastewater treatment facilities which are not included under subsection (2)(B), (3)(B), (4)(B), or (8)(B) of this rule—

1. These facilities shall meet the applicable control technology currently effective as published by the EPA in 40 CFR 405–471. Where there are no standards available or applicable, the department shall set specific parameter limitations using best professional judgment. pH shall be maintained in the range from six and one-half to nine (6.5–9.0) standard units, except that discharges of uncontaminated cooling water and water treatment plant effluent may exceed nine (9) standard units, but may not exceed ten and one-half (10.5) standard units, if it can be demonstrated that the pH will not exceed nine (9) standard units beyond the regulatory mixing zone; and

2. Agrichemical facilities shall be designed and constructed so that all bulk liquid pesticide nonmobile storage containers and all bulk liquid fertilizer nonmobile storage containers are located within a secondary containment facility. Dry bulk pesticides and dry bulk fertilizers shall be stored in a building so that they are protected from the weather. The floors of the buildings shall be constructed of an approved design and material(s). At an agrichemical facility, the following procedures shall be conducted in an operational area: all transferring, loading, unloading, mixing, and repackaging of bulk agrichemicals. All precipitation collected in the operational containment area or secondary containment area as well as process generated wastewater shall be stored and disposed of in a no-discharge manner or treated to meet the applicable control technology referenced in paragraph (9)(G)1. of this rule.

(H) Implementation Schedule for Protection of Whole Body Contact and Secondary Contact Recreation.

1. For all existing wastewater discharges containing bacteria, the department shall, upon the issuance or first renewal or first significant modification of each permit, include within each permit a compliance schedule that provides up to five (5) years for the permittee to meet permit limits. Permitted facilities may present an evaluation sufficient to show that disinfection is not required to protect one (1) or both designated recreational uses. A use attainability analysis (UAA) may be conducted to demonstrate one (1) or both designated recreational uses are not attainable in the classified waters receiving the effluent.

2. Notwithstanding the provisions of paragraph (9)(H)1. of this rule, all permits shall insure compliance with effluent limits to protect whole body contact and secondary contact recreation by no later than December 31, 2013, unless the permittee presents an evaluation sufficient to show that disinfection is not required to protect one (1) or both designated recreational uses, or a UAA demonstrates that one (1) or both designated recreational uses are not attainable in the classified waters receiving the effluent.

(I) Temporary Suspension of Accountability for Bacteria Standards during Wet Weather. The accountability for bacteria standards may be temporarily suspended for specific discharges when conditions contained in paragraphs (9)(I)1. through 3. of this rule are met.

1. No existing recreational uses downstream of the discharge will be impacted during the period of suspension as confirmed through a water quality review for reasonable potential for downstream impacts and a UAA performed in accordance with the *Missouri Recreational Use Attainability Analysis Protocol* approved by the Missouri Clean Water Commission.

2. The period of suspension must be restricted to the defined wet weather event that corresponds to the period when recreational uses are unattainable. The period must be determinable at any time by the discharger and the general public (such as from stream depth or flow readings or other stream conditions on which publicly accessible records are kept).

3. The suspension shall be subject to public review and comment, Missouri Clean Water Commission approval, and EPA approval before becoming effective and shall be contained as a condition in a discharge permit or other written document developed through public participation.

Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals From Local Boards of Equalization

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo Supp. 2009, the commission amends a rule as follows:

12 CSR 30-3.010 Appeals From the Local Board of Equalization **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 220). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals From Local Boards of Equalization

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo Supp. 2009, the commission amends a rule as follows:

12 CSR 30-3.025 Collateral Estoppel **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 220–221). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 4—Agricultural Land Productive Values

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 137.021, RSMo 2000, the commission withdraws a proposed amendment as follows:

12 CSR 30-4.010 Agricultural Land Productive Values **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 221–223). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The commission received numerous comments on this proposed amendment. All of the comments were against the amendment. On February 18, 2010, the Missouri House of Representatives and Missouri Senate passed a joint resolution rejecting the agricultural land productive values as proposed in the amendment.

RESPONSE: Section 137.021, RSMo, authorizes the tax commission to promulgate a rule setting a productive capability value for each of the several grades of agricultural and horticultural land, but further provides that the General Assembly, within sixty (60) days of convening, may disapprove such a rule. As a result of that body's passage of Senate Committee Substitute for Senate Concurrent Resolution Nos., 35 and 32 disapproving the proposed amendment, the commission hereby withdraws its proposed rulemaking.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 5—Retirement, Options and Benefits

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 2009, the board of trustees hereby amends a rule of the Public School Retirement System of Missouri as follows:

16 CSR 10-5.010 Service Retirement **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 226–227). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2010**.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 5—Retirement, Options and Benefits

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 2009, the board of trustees hereby amends a rule of the Public School Retirement System of Missouri as follows:

16 CSR 10-5.020 Disability Retirement **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 227). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2010**.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Public Education Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo Supp. 2009, the board of trustees hereby amends a rule of the Public School Retirement System of Missouri as follows:

16 CSR 10-6.060 Service Retirement **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 227–228). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2010**.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Public Education Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo Supp. 2009, the board of trustees hereby amends a rule of the Public School Retirement System of Missouri as follows:

16 CSR 10-6.070 Disability Retirement **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 228–229). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **July 1, 2010**.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 193.015, 333.340, 333.011(10), and 436.405, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-2.130 Final Disposition as Defined in Chapter 193 **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 105). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under section 256.462.3, RSMo 2000, the board adopts a rule as follows:

20 CSR 2120-2.140 Financial Welfare Cause for Injunction **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 105–106). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.011(8), 333.340, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-2.150 Payment Not Determining Factor of Practice of Funeral Directing **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 106). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 3—Preneed

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.320, 333.340, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.115 Contact Information **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 106–108). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 3—Preneed

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.330, 333.340, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.120 Display of License **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 109). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 3—Preneed

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.340, 436.415, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.200 Seller Obligations **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 109). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 3—Preneed

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.011(10), 333.340, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.300 Provider Includes Funeral Establishment **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 109–110). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 3—Preneed

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.325.4, 333.340, 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.305 Funeral Director Agent Registration **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 110). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 3—Preneed

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under section 256.462.3, RSMo 2000, the board adopts a rule as follows:

20 CSR 2120-3.310 Change in Seller Affiliation **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 110–111). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 3—Preneed

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.011(9), 333.320, 333.325, 333.340, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.400 Preneed Agents—Requirements of Agent's Seller **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 112). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 3—Preneed

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.011(9), 333.320, 333.325, 333.340, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.410 Preneed Agent's Seller Must Be Licensed **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 112). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 3—Preneed

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.340, 436.405, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.505 Types of Financing; Other Financing Still Preneed **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 112). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 3—Preneed

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.340, 436.405, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.515 Single Premium Annuity Contracts **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 112–113). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 3—Preneed

ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.340, 436.440.6, and 436.520, RSMo Supp. 2009, the board adopts a rule as follows:

20 CSR 2120-3.525 Independent Financial Advisor is Agent of Trustee **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2010 (35 MoReg 113). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-2.010 Definitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 229–238). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-2.020 Subscriber Agreement and General Membership Provisions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 239–242). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-2.045 Plan Utilization Review Policy **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 242). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-2.050 Copay Plan Benefit Provisions and Covered Charges **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 243–245). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.051 PPO 300 Plan Benefit Provisions and Covered Charges **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 246–249). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000 and section 103.080.3, RSMo Supp. 2009, the director amends a rule as follows:

22 CSR 10-2.053 High Deductible Health Plan Benefit Provisions and Covered Charges **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 250–253). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.054 Medicare Supplement Plan Benefit Provisions and Covered Charges **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 254–256). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-2.055 Medical Plan Benefit Provisions and Covered Charges **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 257). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000 and section 103.080.3, RSMo Supp. 2009, the director amends a rule as follows:

22 CSR 10-2.060 PPO 300 Plan, HDHP, Copay Plan, and HMO Plan Limitations **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 257–259). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-2.064 HMO Summary of Medical Benefits **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 259-261). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director rescinds a rule as follows:

22 CSR 10-2.067 HMO and POS Limitations **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 1, 2010 (35 MoReg 262). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-2.090 Pharmacy Benefit Summary **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 262–266). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-3.010 Definitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1,

2010 (35 MoReg 267–275). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-3.020 Subscriber Agreement and General Membership Provisions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 276–279). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

22 CSR 10-3.030 Public Entity Membership Agreement and Participation Period **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 279). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.045 Plan Utilization Review Policy **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 279–280). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.050 Copay Plan Benefit Provisions and Covered Charges **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 280–284). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.051 PPO 300 Plan Benefit Provisions and Covered Charges **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 285–288). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.052 PPO 500 Plan Benefit Provisions and Covered Charges **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 289–292). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.053 PPO 1000 Plan Benefit Provisions and Covered Charges **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 293–296). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.054 PPO 2000 Plan Benefit Provisions and Covered Charges **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 297–300). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, and section 103.080.3, RSMo Supp. 2009, the director amends a rule as follows:

22 CSR 10-3.055 High Deductible Health Plan Benefit Provisions and Covered Charges **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 301). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, and section 103.080.3, RSMo Supp. 2009, the director adopts a rule as follows:

22 CSR 10-3.060 PPO 300 Plan, PPO 500 Plan, PPO 1000 Plan, PPO 2000 Plan, HDHP, and Copay Plan Limitations **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 301–303). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director adopts a rule as follows:

22 CSR 10-3.090 Pharmacy Benefit Summary **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2010 (35 MoReg 303–304). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 25—Motor Carrier Operations

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before June 15, 2010.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:
• *Email:* Kathy.Hatfield@modot.mo.gov
• *Mail:* PO Box 893, Jefferson City, MO 65102-0893
• *Hand Delivery:* 1320 Creek Trail Drive, Jefferson City, MO 65109
• *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

COMMENTS RECEIVED BECOME MoDOT PUBLIC RECORD

• By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
• *Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation
If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background
The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2009, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #MP071227059

Renewal Applicant's Name & Age: William Hall, 55

Relevant Physical Condition: Mr. Hall's uncorrected visual acuity in his left eye is 20/200 Snellen and his right eye is 20/20 Snellen uncorrected. He has had amblyopia, "lazy eye," since birth.

Relevant Driving Experience: Mr. Hall is currently employed as a manager with an oil supply company and has been since 1998. He has been operating commercial motor vehicles for the past two (2) years. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in January 2010, his optometrist certified, "In my medical opinion, Mr. Hall's visual deficiency is stable, he has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application #MP091001036

Applicant's Name & Age: Mohamed H. Issak, 21

Relevant Physical Condition: Mr. Issak's uncorrected visual acuity in his right eye is 20/20 Snellen and best corrected in his left eye is 20/60 Snellen. He has a corneal scar that was diagnosed in his left eye during childhood.

Relevant Driving Experience: Mr. Issak has no current commercial driving experience. He intends to operate an airport shuttle in the Kansas City, MO area. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in November 2009, his optometrist certified, "In my medical opinion, Mr. Issak's visual deficiency is stable, he has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Request for Comments
The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: April 15, 2010

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

NOTIFICATION OF REVIEW: APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for July 12, 2010. These applications are available for public inspection at the address shown below:

Date Filed
Project Number: Project Name
City (County)
Cost, Description

04/29/10
#4509 HS: St. John's Health System
Ozark (Greene County)
$104,973,000, Establish 48-bed orthopedic hospital

04/30/10
#4515 HS: St. Louis University Hospital
St. Louis (St. Louis City)
$2,180,999, Replace angiography system

#4513 HS: Centerpoint Medical Center
Independence (Jackson County)
$2,398,203, Acquire second MRI

#4507 FS: Orthopedic & Sports Medicine Center
St. Joseph (Buchanan County)
$1,900,000, Replace MRI

#4516 RS: Chesterfield Senior Care
Chesterfield (St. Louis County)
$8,213,069, Establish 51-bed ALF

#4511 RS: FSP-Ballwin Senior Living
Ballwin (St. Louis County)
$19,847,820, Establish 98-bed ALF

#4506 RS: Westbrook Terrace Residential
Jefferson City (Cole County)
$2,108,084, Add 16 ALF beds

#4496 RS: Columbia Colonies, LLC
Columbia (Boone County)
$5,600,000, Establish 70-bed ALF

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by June 2, 2010. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
Post Office Box 570
Jefferson City, MO 65102

For additional information, contact
Donna Schuessler (573) 751-6403.

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law and whose Notice of Conviction has been filed with the Secretary of State pursuant to section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works 1) to Michael B. Robin, 2) to any other contractor or subcontractor that is owned, operated, or controlled by Mr. Robin, including Plumbco, Inc., or 3) to any other simulation of Mr. Robin or of Plumbco, Inc., for a period of one (1) year, or until December 17, 2010.

Name of Contractor	Name of Officers	Address	Date of Conviction	Debarment Period
Michael B. Robin DBA Plumbco, Inc. Case No. 09AO-CR01174		7534 Heron Drive Neosho, MO 64804	12/17/09	12/17/2009–12/17/2010

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST ETHANOL TANKS, L.L.C.

On March 29, 2010, Ethanol Tanks, L.L.C., a Missouri Limited Liability Company, filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to Roger Atkisson, 5349 S. Timberlake Drive, Springfield, MO 65804. All claims must include the name, address and telephone number of the claimant, the amount of the claim, the basis for the claim, the date on which the claim arose, and documentation for the claim.

NOTICE: Because of the dissolution of Ethanol Tanks, L.L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		35 MoReg 98	This Issue	
	DEPARTMENT OF AGRICULTURE				
2 CSR 70-11.060	Plant Industries	This Issue	This Issue		
2 CSR 90-10	Weights and Measures				34 MoReg 1949
2 CSR 100-6.010	Missouri Agricultural and Small Business Development Authority	34 MoReg 2527	35 MoReg 7	35 MoReg 653	
	DEPARTMENT OF CONSERVATION				
3 CSR 10-7.417	Conservation Commission		35 MoReg 639R		
3 CSR 10-7.455	Conservation Commission				35 MoReg 316
3 CSR 10-8.505	Conservation Commission		35 MoReg 639		
3 CSR 10-8.515	Conservation Commission		35 MoReg 639		
3 CSR 10-9.353	Conservation Commission		35 MoReg 640		
3 CSR 10-10.722	Conservation Commission		35 MoReg 640		
3 CSR 10-10.724	Conservation Commission		35 MoReg 641		
3 CSR 10-10.726	Conservation Commission		35 MoReg 641		
3 CSR 10-10.743	Conservation Commission		35 MoReg 641		
3 CSR 10-12.109	Conservation Commission		35 MoReg 642		
3 CSR 10-12.110	Conservation Commission		35 MoReg 642		
3 CSR 10-12.115	Conservation Commission		35 MoReg 642		
3 CSR 10-12.125	Conservation Commission		35 MoReg 681		
3 CSR 10-12.130	Conservation Commission		35 MoReg 643		
3 CSR 10-12.135	Conservation Commission		35 MoReg 643		
3 CSR 10-12.140	Conservation Commission		35 MoReg 644		
3 CSR 10-12.145	Conservation Commission		35 MoReg 644		
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 85-7.010	Division of Business and Community Services		35 MoReg 449		
4 CSR 170-1.010	Missouri Housing Development Commission		35 MoReg 527R		
4 CSR 170-1.100	Missouri Housing Development Commission		35 MoReg 527		
4 CSR 170-1.200	Missouri Housing Development Commission		35 MoReg 528		
4 CSR 170-8.010	Missouri Housing Development Commission		35 MoReg 529		
4 CSR 170-8.020	Missouri Housing Development Commission		35 MoReg 530		
4 CSR 170-8.030	Missouri Housing Development Commission		35 MoReg 531		
4 CSR 170-8.040	Missouri Housing Development Commission		35 MoReg 531		
4 CSR 170-8.050	Missouri Housing Development Commission		35 MoReg 532		
4 CSR 170-8.060	Missouri Housing Development Commission		35 MoReg 532		
4 CSR 170-8.070	Missouri Housing Development Commission		35 MoReg 533		
4 CSR 170-8.080	Missouri Housing Development Commission		35 MoReg 534		
4 CSR 170-8.090	Missouri Housing Development Commission		35 MoReg 534		
4 CSR 170-8.100	Missouri Housing Development Commission		35 MoReg 535		
4 CSR 170-8.110	Missouri Housing Development Commission		35 MoReg 535		
4 CSR 170-8.120	Missouri Housing Development Commission		35 MoReg 535		
4 CSR 170-8.130	Missouri Housing Development Commission		35 MoReg 536		
4 CSR 170-8.140	Missouri Housing Development Commission		35 MoReg 536		
4 CSR 170-8.150	Missouri Housing Development Commission		35 MoReg 538		
4 CSR 170-8.160	Missouri Housing Development Commission		35 MoReg 538		
4 CSR 240-2.070	Public Service Commission		35 MoReg 682		
4 CSR 240-3.156	Public Service Commission		35 MoReg 365		
4 CSR 240-3.190	Public Service Commission		35 MoReg 207		
4 CSR 240-3.545	Public Service Commission		35 MoReg 209		
4 CSR 240-4.020	Public Service Commission		34 MoReg 2590R 34 MoReg 2590		
4 CSR 240-20.100	Public Service Commission		35 MoReg 365		
4 CSR 240-33.160	Public Service Commission		35 MoReg 210		
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 50-270.010	Division of School Improvement		35 MoReg 210		
5 CSR 50-350.050	Division of School Improvement		35 MoReg 452		
5 CSR 60-100.020	Division of Career Education		35 MoReg 214		35 MoReg 59
5 CSR 80-800.200	Teacher Quality and Urban Education		35 MoReg 454		
5 CSR 80-800.220	Teacher Quality and Urban Education		35 MoReg 454		
5 CSR 80-800.260	Teacher Quality and Urban Education		35 MoReg 455		
5 CSR 80-800.270	Teacher Quality and Urban Education		35 MoReg 455		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 80-800.280	Teacher Quality and Urban Education		35 MoReg 456		
5 CSR 80-800.290	Teacher Quality and Urban Education		35 MoReg 456		
5 CSR 80-800.350	Teacher Quality and Urban Education		35 MoReg 457		
5 CSR 80-800.360	Teacher Quality and Urban Education		35 MoReg 458		
5 CSR 80-800.380	Teacher Quality and Urban Education		35 MoReg 459		
	DEPARTMENT OF HIGHER EDUCATION				
6 CSR 250-11.041	University of Missouri	35 MoReg 161	34 MoReg 2592 This Issue		
6 CSR 250-11.042	University of Missouri		34 MoReg 2594 This Issue		
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-1.010	Missouri Highways and Transportation Commission		35 MoReg 539		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				35 MoReg 547 This Issue
7 CSR 60-2.010	Highway Safety Division	This Issue	This Issue		
7 CSR 60-2.030	Highway Safety Division	This Issue	This Issue		
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 60-4.040	Missouri Commission on Human Rights		This Issue		
8 CSR 60-4.045	Missouri Commission on Human Rights		This Issue		
	DEPARTMENT OF MENTAL HEALTH				
9 CSR 10-7.090	Director, Department of Mental Health		35 MoReg 645		
9 CSR 10-31.011	Director, Department of Mental Health		35 MoReg 8	35 MoReg 653	
9 CSR 30-4.035	Certification Standards		35 MoReg 646		
9 CSR 30-4.042	Certification Standards		35 MoReg 646		
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 1-3.010	Director's Office		34 MoReg 2385	35 MoReg 603	
10 CSR 10-2.070	Air Conservation Commission		This IssueR		
10 CSR 10-3.090	Air Conservation Commission		This IssueR		
10 CSR 10-4.070	Air Conservation Commission		This IssueR		
10 CSR 10-5.160	Air Conservation Commission		This IssueR		
10 CSR 10-6.010	Air Conservation Commission		34 MoReg 2385	35 MoReg 603	
10 CSR 10-6.040	Air Conservation Commission		34 MoReg 2387	35 MoReg 604	
10 CSR 10-6.050	Air Conservation Commission		34 MoReg 2594		
10 CSR 10-6.070	Air Conservation Commission		34 MoReg 2387	35 MoReg 604	
10 CSR 10-6.075	Air Conservation Commission		34 MoReg 2389	35 MoReg 605	
10 CSR 10-6.080	Air Conservation Commission		34 MoReg 2392	35 MoReg 605	
10 CSR 10-6.110	Air Conservation Commission		35 MoReg 461		
10 CSR 10-6.130	Air Conservation Commission		34 MoReg 2392	35 MoReg 605	
10 CSR 10-6.165	Air Conservation Commission		This Issue		
10 CSR 10-6.390	Air Conservation Commission		34 MoReg 2145	35 MoReg 606	
10 CSR 20-7.015	Clean Water Commission		34 MoReg 2394	This Issue	
10 CSR 60-4.025	Safe Drinking Water Commission		This Issue		
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10 CSR 60-7.010	Safe Drinking Water Commission		This Issue		
10 CSR 60-8.010	Safe Drinking Water Commission		This Issue		
10 CSR 60-8.030	Safe Drinking Water Commission		This Issue		
10 CSR 60-9.010	Safe Drinking Water Commission		This Issue		
10 CSR 70-4.010	Soil and Water Districts Commission		35 MoReg 214R 35 MoReg 214		
10 CSR 70-5.010	Soil and Water Districts Commission	34 MoReg 1779	35 MoReg 216R 35 MoReg 216		
10 CSR 70-5.040	Soil and Water Districts Commission	34 MoReg 1783	35 MoReg 217R 35 MoReg 217		
10 CSR 70-5.050	Soil and Water Districts Commission	34 MoReg 1785	35 MoReg 217R 35 MoReg 217		
10 CSR 70-5.060	Soil and Water Districts Commission	34 MoReg 1786	35 MoReg 219R 35 MoReg 219		
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11 CSR 45-10.040	Missouri Gaming Commission		35 MoReg 99	35 MoReg 692	
11 CSR 45-11.020	Missouri Gaming Commission	35 MoReg 85	35 MoReg 100	35 MoReg 692	
11 CSR 45-11.030	Missouri Gaming Commission	35 MoReg 86	35 MoReg 103	35 MoReg 692	
11 CSR 45-11.050	Missouri Gaming Commission	35 MoReg 86	35 MoReg 103	35 MoReg 693	
11 CSR 45-11.070	Missouri Gaming Commission	35 MoReg 87	35 MoReg 103	35 MoReg 693	
11 CSR 45-11.130	Missouri Gaming Commission	35 MoReg 88	35 MoReg 104	35 MoReg 693	
11 CSR 45-12.010	Missouri Gaming Commission		35 MoReg 467		
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12 CSR 10-2.045	Director of Revenue		35 MoReg 13	35 MoReg 693	
12 CSR 10-3.249	Director of Revenue		35 MoReg 575R		
12 CSR 10-3.830	Director of Revenue		35 MoReg 575R		
12 CSR 10-3.832	Director of Revenue		35 MoReg 575R		
12 CSR 10-41.010	Director of Revenue	34 MoReg 2528	34 MoReg 2536	35 MoReg 545	
12 CSR 10-103.390	Director of Revenue		35 MoReg 685		
12 CSR 10-110.900	Director of Revenue		34 MoReg 2467	35 MoReg 608	
12 CSR 30-3.010	State Tax Commission		35 MoReg 220	This Issue	
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13 CSR 35-38.010	Children's Division		35 MoReg 576		
13 CSR 35-60.070	Children's Division		35 MoReg 582		
13 CSR 70-3.200	MO HealthNet Division		35 MoReg 685		
13 CSR 70-10.015	MO HealthNet Division	35 MoReg 635	35 MoReg 647		
13 CSR 70-10.080	MO HealthNet Division		35 MoReg 652		
13 CSR 70-10.110	MO HealthNet Division	35 MoReg 5	35 MoReg 13	35 MoReg 693	
13 CSR 70-15.010	MO HealthNet Division	35 MoReg 161	34 MoReg 1802	35 MoReg 306	
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13 CSR 70-90.010	MO HealthNet Division		35 MoReg 688		
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15 CSR 40-4.010	State Auditor		35 MoReg 224		
15 CSR 40-4.020	State Auditor		35 MoReg 224		
15 CSR 40-4.030	State Auditor		35 MoReg 225		
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16 CSR 10-5.010	The Public School Retirement System of Missouri		35 MoReg 226	This Issue	
16 CSR 10-5.020	The Public School Retirement System of Missouri		35 MoReg 227	This Issue	
16 CSR 10-6.060	The Public School Retirement System of Missouri		35 MoReg 227	This Issue	
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16 CSR 20-2.080	Missouri Local Government Employees' Retirement System (LAGERS)		35 MoReg 104R 35 MoReg 105	35 MoReg 694R 35 MoReg 694	
16 CSR 20-2.105	Missouri Local Government Employees' Retirement System (LAGERS)		34 MoReg 2595	35 MoReg 609	
16 CSR 50-2.010	The County Employees' Retirement Fund		35 MoReg 467		
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16 CSR 50-20.080	The County Employees' Retirement Fund		35 MoReg 472		
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19 CSR 60-50	Missouri Health Facilities Review Committee				35 MoReg 696 This Issue
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20 CSR	Construction Claims Binding Arbitration Cap				33 MoReg 150 33 MoReg 2446 35 MoReg 654
20 CSR	Medical Malpractice				31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				33 MoReg 150 33 MoReg 2446 35 MoReg 318
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20 CSR 500-2.300	Property and Casualty		35 MoReg 691		
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20 CSR 1140-30.200	Division of Finance	This Issue	This Issue		
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20 CSR 1140-30.230	Division of Finance	This Issue	This Issue		
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20 CSR 1140-30.250	Division of Finance	This Issue	This Issue		
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20 CSR 1140-30.270	Division of Finance	This Issue	This Issue		
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20 CSR 1140-30.300	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.310	Division of Finance	This Issue	This Issue		
20 CSR 1140-30.320	Division of Finance	This Issue	This Issue		

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20 CSR 1140-31.020	Division of Finance		This Issue		
20 CSR 2010-1.010	Missouri State Board of Accountancy		35 MoReg 584		
20 CSR 2010-2.005	Missouri State Board of Accountancy		35 MoReg 585		
20 CSR 2010-2.022	Missouri State Board of Accountancy		35 MoReg 586		
20 CSR 2010-2.041	Missouri State Board of Accountancy		35 MoReg 587		
20 CSR 2010-2.051	Missouri State Board of Accountancy		35 MoReg 587		
20 CSR 2010-2.061	Missouri State Board of Accountancy		35 MoReg 588		
20 CSR 2010-2.065	Missouri State Board of Accountancy		35 MoReg 588		
20 CSR 2010-2.070	Missouri State Board of Accountancy		35 MoReg 588		
20 CSR 2010-2.072	Missouri State Board of Accountancy		35 MoReg 589		
20 CSR 2010-2.075	Missouri State Board of Accountancy		35 MoReg 589		
20 CSR 2010-2.095	Missouri State Board of Accountancy		35 MoReg 590		
20 CSR 2010-2.130	Missouri State Board of Accountancy		35 MoReg 591		
20 CSR 2010-2.150	Missouri State Board of Accountancy		35 MoReg 591		
20 CSR 2010-3.010	Missouri State Board of Accountancy		35 MoReg 592		
20 CSR 2010-3.060	Missouri State Board of Accountancy		35 MoReg 592		
20 CSR 2010-4.010	Missouri State Board of Accountancy		35 MoReg 593		
20 CSR 2010-4.031	Missouri State Board of Accountancy		35 MoReg 596		
20 CSR 2010-4.035	Missouri State Board of Accountancy		35 MoReg 596		
20 CSR 2010-4.041	Missouri State Board of Accountancy		35 MoReg 596		
20 CSR 2010-5.070	Missouri State Board of Accountancy		35 MoReg 597		
20 CSR 2010-5.080	Missouri State Board of Accountancy		35 MoReg 597		
20 CSR 2010-5.090	Missouri State Board of Accountancy		35 MoReg 598		
20 CSR 2010-5.100	Missouri State Board of Accountancy		35 MoReg 598		
20 CSR 2010-5.110	Missouri State Board of Accountancy		35 MoReg 599		
20 CSR 2120-2.130	State Board of Embalmers and Funeral Directors	35 MoReg 88	35 MoReg 105	This Issue	
20 CSR 2120-2.140	State Board of Embalmers and Funeral Directors	35 MoReg 89	35 MoReg 105	This Issue	
20 CSR 2120-2.150	State Board of Embalmers and Funeral Directors	35 MoReg 90	35 MoReg 106	This Issue	
20 CSR 2120-3.115	State Board of Embalmers and Funeral Directors	35 MoReg 90	35 MoReg 106	This Issue	
20 CSR 2120-3.120	State Board of Embalmers and Funeral Directors	35 MoReg 91	35 MoReg 109	This Issue	
20 CSR 2120-3.200	State Board of Embalmers and Funeral Directors	35 MoReg 92	35 MoReg 109	This Issue	
20 CSR 2120-3.300	State Board of Embalmers and Funeral Directors	35 MoReg 92	35 MoReg 109	This Issue	
20 CSR 2120-3.305	State Board of Embalmers and Funeral Directors	35 MoReg 93	35 MoReg 110	This Issue	
20 CSR 2120-3.310	State Board of Embalmers and Funeral Directors	35 MoReg 93	35 MoReg 110	This Issue	
20 CSR 2120-3.400	State Board of Embalmers and Funeral Directors	35 MoReg 94	35 MoReg 112	This Issue	
20 CSR 2120-3.410	State Board of Embalmers and Funeral Directors	35 MoReg 95	35 MoReg 112	This Issue	
20 CSR 2120-3.505	State Board of Embalmers and Funeral Directors	35 MoReg 95	35 MoReg 112	This Issue	
20 CSR 2120-3.515	State Board of Embalmers and Funeral Directors	35 MoReg 96	35 MoReg 113	This Issue	
20 CSR 2120-3.525	State Board of Embalmers and Funeral Directors	35 MoReg 97	35 MoReg 113	This Issue	
20 CSR 2150-5.025	State Board of Registration for the Healing Arts	34 MoReg 2529	34 MoReg 2540	35 MoReg 694	
20 CSR 2220-6.050	State Board of Pharmacy	34 MoReg 2531	34 MoReg 2542	35 MoReg 695	
20 CSR 2220-6.055	State Board of Pharmacy	34 MoReg 2534	34 MoReg 2544	35 MoReg 695	
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22 CSR 10-2.010	Health Care Plan	35 MoReg 164	35 MoReg 229	This Issue	
22 CSR 10-2.020	Health Care Plan	35 MoReg 171	35 MoReg 239	This Issue	
22 CSR 10-2.045	Health Care Plan	35 MoReg 174	35 MoReg 242	This Issue	
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22 CSR 10-2.067	Health Care Plan	35 MoReg 181R	35 MoReg 262R	This IssueR	
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22 CSR 10-2.090	Health Care Plan	35 MoReg 182	35 MoReg 262	This Issue	
22 CSR 10-3.010	Health Care Plan	35 MoReg 183	35 MoReg 267	This Issue	
22 CSR 10-3.020	Health Care Plan	35 MoReg 190	35 MoReg 276	This Issue	
22 CSR 10-3.030	Health Care Plan	35 MoReg 193	35 MoReg 279	This Issue	
22 CSR 10-3.045	Health Care Plan	35 MoReg 194	35 MoReg 279	This Issue	
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22 CSR 10-3.051	Health Care Plan	35 MoReg 195	35 MoReg 285	This Issue	
22 CSR 10-3.052	Health Care Plan	35 MoReg 196	35 MoReg 289	This Issue	
22 CSR 10-3.053	Health Care Plan	35 MoReg 197	35 MoReg 293	This Issue	

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22 CSR 10-3.054	Health Care Plan	35 MoReg 197	35 MoReg 297	This Issue	
22 CSR 10-3.055	Health Care Plan	35 MoReg 198	35 MoReg 301	This Issue	
22 CSR 10-3.060	Health Care Plan	35 MoReg 199	35 MoReg 301	This Issue	
22 CSR 10-3.075	Health Care Plan		35 MoReg 600		
22 CSR 10-3.090	Health Care Plan	35 MoReg 201	35 MoReg 303	This Issue	

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Department of Agriculture				
Plant Industries				
2 CSR 70-11.060	Thousand Cankers Disease of Walnut Exterior Quarantine	This Issue	April 12, 2010	Jan. 19, 2011
Department of Higher Education				
University of Missouri				
6 CSR 250-11.041	Inspection Fee on Manipulated Animal or Vegetable Manure Fertilizers	35 MoReg 161	Jan. 1, 2010	June 28, 2010
Department of Transportation				
Highway Safety Division				
7 CSR 60-2.010	Definitions	This Issue	April 18, 2010	Nov. 30, 2010
7 CSR 60-2.030	Standards and Specifications	This Issue	April 18, 2010	Nov. 30, 2010
Department of Public Safety				
Missouri Gaming Commission				
11 CSR 45-11.020	Deposit Account—Taxes and Fees	35 MoReg 85	Jan. 6, 2010	July 4, 2010
11 CSR 45-11.030	Payment—Gaming Tax	35 MoReg 86	Jan. 6, 2010	July 4, 2010
11 CSR 45-11.050	Admission Fee	35 MoReg 86	Jan. 6, 2010	July 4, 2010
11 CSR 45-11.070	Return and Payment—Admission Fee	35 MoReg 87	Jan. 6, 2010	July 4, 2010
11 CSR 45-11.130	Failure to File Return or Pay Tax or Fee	35 MoReg 88	Jan. 6, 2010	July 4, 2010
Department of Revenue				
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12 CSR 10-41.010	Annual Adjusted Rate of Interest	34 MoReg 2528	Jan. 1, 2010	June 29, 2010
Department of Social Services				
MO HealthNet Division				
13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services	35 MoReg 635	April 1, 2010	Sept. 27, 2010
13 CSR 70-10.110	Nursing Facility Reimbursement Allowance	35 MoReg 5	Jan. 1, 2010	June 29, 2010
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology.	35 MoReg 161	Jan. 1, 2010	June 29, 2010
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	35 MoReg 5	Jan. 1, 2010	June 29, 2010
13 CSR 70-20.320	Pharmacy Reimbursement Allowance	35 MoReg 6	Jan. 1, 2010	June 29, 2010
Department of Insurance, Financial Institutions and Professional Registration				
Division of Finance				
20 CSR 1140-30.010	Definitions	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.030	Licensing	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.040	Operations and Supervision	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.050	Annual Report of Mortgage Brokerage Activity and Mortgage Servicing Activity	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.070	Advertising	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.080	Loan Brokerage Practices	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.090	Loan Application Practices	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.100	General Practices	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.110	Commitment and Closing Practices	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.120	Exemption Guidelines	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.200	Definitions	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.210	Licensing of Mortgage Loan Originators	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.220	Self-Reporting Requirements	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.230	Challenges to Information Submitted to NMLSR	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.240	Operations and Supervision of Residential Mortgage Loan Brokers	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.250	Change in Business Activities	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.260	Full-Service Office Requirement	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.270	Maintenance of Records	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.280	Authorized Advance Fees and Escrow Requirements	This Issue	April 18, 2009	Jan. 26, 2011

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20 CSR 1140-30.290 In-State Office Waiver For Services	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.300 Annual Report	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.310 Bonding Requirements	This Issue	April 18, 2009	Jan. 26, 2011
20 CSR 1140-30.320 Exempt List	This Issue	April 18, 2009	Jan. 26, 2011
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20 CSR 2120-2.130 Final Disposition as Defined in Chapter 193	35 MoReg 88	Dec. 4, 2009	June 11, 2010
20 CSR 2120-2.140 Financial Welfare Cause for Injunction	35 MoReg 89	Dec. 4, 2009	June 11, 2010
20 CSR 2120-2.150 Payment Not Determining Factor of Practice of Funeral Directing	35 MoReg 90	Dec. 4, 2009	June 11, 2010
20 CSR 2120-3.115 Contact Information	35 MoReg 90	Dec. 4, 2009	June 11, 2010
20 CSR 2120-3.120 Display of License	35 MoReg 91	Dec. 4, 2009	June 11, 2010
20 CSR 2120-3.200 Seller Obligations	35 MoReg 92	Dec. 4, 2009	June 11, 2010
20 CSR 2120-3.300 Provider Includes Funeral Establishment	35 MoReg 92	Dec. 4, 2009	June 11, 2010
20 CSR 2120-3.305 Funeral Director Agent Registration	35 MoReg 93	Dec. 4, 2009	June 11, 2010
20 CSR 2120-3.310 Change in Seller Affiliation	35 MoReg 93	Dec. 4, 2009	June 11, 2010
20 CSR 2120-3.400 Preneed Agents—Requirements of Agent's Seller	35 MoReg 94	Dec. 4, 2009	June 11, 2010
20 CSR 2120-3.410 Preneed Agent's Seller Must be Licensed	35 MoReg 95	Dec. 4, 2009	June 11, 2010
20 CSR 2120-3.505 Types of Financing; Other Financing Still Preneed	35 MoReg 95	Dec. 4, 2009	June 11, 2010
20 CSR 2120-3.515 Single Premium Annuity Contracts	35 MoReg 96	Dec. 4, 2009	June 11, 2010
20 CSR 2120-3.525 Independent Financial Advisor is Agent of Trustee	35 MoReg 97	Dec. 4, 2009	June 11, 2010
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22 CSR 10-2.010 Definitions	35 MoReg 164	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.020 Subscriber Agreement and General Membership Provisions	35 MoReg 171	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.045 Plan Utilization Review Policy	35 MoReg 174	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.050 CoPay Plan Benefit Provisions and Covered Charges	35 MoReg 175	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.051 PPO 300 Plan Benefit Provisions and Covered Charges	35 MoReg 176	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.053 High Deductible Health Plan Benefit Provisions and Covered Charges	35 MoReg 177	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.054 Medicare Supplement Plan Benefit Provisions and Covered Charges	35 MoReg 177	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.055 Medical Plan Benefit Provisions and Covered Charges	35 MoReg 178	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.060 PPO 300 Plan, HDHP, Copay, and HMO Plan Limitations	35 MoReg 178	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.064 HMO Summary of Medical Benefits	35 MoReg 181	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.067 HMO and POS Limitations	35 MoReg 181	Jan. 1, 2010	June 29, 2010
22 CSR 10-2.090 Pharmacy Benefit Summary	35 MoReg 182	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.010 Definitions	35 MoReg 183	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.020 Subscriber Agreement and General Membership Provisions	35 MoReg 190	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.030 Public Entity Membership Agreement and Participation Period	35 MoReg 193	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.045 Plan Utilization Review Policy	35 MoReg 194	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.050 Copay Plan Benefit Provisions and Covered Charges	35 MoReg 194	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.051 PPO 300 Plan Benefit Provisions and Covered Charges	35 MoReg 195	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.052 PPO 500 Plan Benefit Provisions and Covered Charges	35 MoReg 196	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.053 PPO 1000 Plan Benefit Provisions and Covered Charges	35 MoReg 197	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.054 PPO 2000 Plan Benefit Provisions and Covered Charges	35 MoReg 197	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.055 High Deductible Health Plan Benefit Provisions and Covered Charges	35 MoReg 198	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.060 PPO 300 Plan, PPO 500 Plan, PPO 1000 Plan, PPO 2000 Plan, HDHP, and Copay Plan Limitations	35 MoReg 199	Jan. 1, 2010	June 29, 2010
22 CSR 10-3.090 Pharmacy Benefit Summary	35 MoReg 201	Jan. 1, 2010	June 29, 2010

Executive Orders	Subject Matter	Filed Date	Publication
	2010		
10-20	Establishes the Missouri Civil War Sesquicentennial Commission	April 2, 2010	This Issue
10-19	Amends Executive Order 09-17 to give the commissioner of the Office of Administration supervisory authority over the Transform Missouri Project	March 2, 2010	35 MoReg 637
10-18	Establishes the Children in Nature Challenge to challenge Missouri communities to take action to enhance children's education about nature, and to increase children's opportunities to personally experience nature and the outdoors	Feb. 26, 2010	35 MoReg 573
10-17	Establishes a Missouri Emancipation Day Commission to promote, consider, and recommend appropriate activities for the annual recognition and celebration of Emancipation Day	Feb. 2, 2010	35 MoReg 525
10-16	Transfers the scholarship portion of the A+ Schools Program from the Missouri Department of Elementary and Secondary Education to the Missouri Department of Higher Education	Jan. 29, 2010	35 MoReg 447
10-15	Transfers the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services	Jan. 29, 2010	35 MoReg 445
10-14	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Jan. 29, 2010	35 MoReg 443
10-13	Directs the Department of Social Services to disband the Missouri Task Force on Youth Aging Out of Foster Care	Jan. 15, 2010	35 MoReg 364
10-12	Rescinds Executive Orders 98-14, 95-21, 95-17, and 94-19 and terminates the Governor's Commission on Driving While Intoxicated and Impaired Driving	Jan. 15, 2010	35 MoReg 363
10-11	Rescinds Executive Order 05-41 and terminates the Governor's Advisory Council for Veterans Affairs and assigns its duties to the Missouri Veterans Commission	Jan. 15, 2010	35 MoReg 362
10-10	Rescinds Executive Order 01-08 and terminates the Personal Independence Commission and assigns its duties to the Governor's Council on Disability	Jan. 15, 2010	35 MoReg 361
10-09	Rescinds Executive Orders 95-10, 96-11, and 98-13 and terminates the Governor's Council on AIDS and transfers their duties to the Statewide HIV/STD Prevention Community Planning Group within the Department of Health and Senior Services	Jan. 15, 2010	35 MoReg 360
10-08	Rescinds Executive Order 04-07 and terminates the Missouri Commission on Patient Safety	Jan. 15, 2010	35 MoReg 358
10-07	Rescinds Executive Order 01-16 and terminates the Missouri Commission on Intergovernmental Cooperation	Jan. 15, 2010	35 MoReg 357
10-06	Rescinds Executive Order 05-13 and terminates the Governor's Advisory Council on Plant Biotechnology and assigns its duties to the Missouri Technology Corporation	Jan. 15, 2010	35 MoReg 356
10-05	Rescinds Executive Order 95-28 and terminates the Missouri Board of Geographic Names	Jan. 15, 2010	35 MoReg 355
10-04	Rescinds Executive Order 03-10 and terminates the Missouri Energy Policy Council	Jan. 15, 2010	35 MoReg 354
10-03	Rescinds Executive Order 03-01 and terminates the Missouri Lewis and Clark Bicentennial Commission	Jan. 15, 2010	35 MoReg 353
10-02	Rescinds Executive Order 07-29 and terminates the Governor's Advisory Council on Aging and assigns its duties to the State Board of Senior Services	Jan. 15, 2010	35 MoReg 352
10-01	Rescinds Executive Order 01-15 and terminates the Missouri Commission on Total Compensation	Jan. 15, 2010	35 MoReg 351
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09-29	Outlines the suspension of federal commercial motor vehicle and driver laws during emergency declarations. Executive Orders 07-01 and 08-40 are superceded and replaced on February 1, 2010	December 31, 2009	35 MoReg 205
09-28	Establishes the post of Missouri Poet Laureate. Executive order 08-01 is superceded and replaced	December 24, 2009	35 MoReg 203
09-27	Creates the Missouri Office of Health Information Technology, referred to as MO-HITECH. Executive Order 06-03 is rescinded	November 4, 2009	34 MoReg 2587
09-26	Advises that state offices will be closed November 27, 2009	October 30, 2009	34 MoReg 2466
09-25	Creates the governor's faith-based and community service partnership for disaster recovery	September 21, 2009	34 MoReg 2361

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09-24	Creates the prompt pay for a healthy Missouri project	September 11, 2009	34 MoReg 2313
09-23	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	September 1, 2009	34 MoReg 2139
09-22	Appoints the Home Building and Residential Energy Efficiency Advisory panel to issue recommendations on energy efficiency measures for the home building sector and consumers	August 20, 2009	34 MoReg 2137
09-21	Declares a state of emergency exists in the state of Missouri and directs that Missouri State Emergency Operations Plan remain activated	May 14, 2009	34 MoReg 1332
09-20	Gives the director of the Missouri Department of Natural Resources full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interests of the public health and safety during the period of the emergency and the subsequent recovery period	May 12, 2009	34 MoReg 1331
09-19	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	May 8, 2009	34 MoReg 1329
09-18	Orders that all state agencies whose building management falls under the direction of the Office of Administration shall institute policies that will result in reductions of energy consumption of two percent per year for each of the next ten years	April 23, 2009	34 MoReg 1273
09-17	Creates the Transform Missouri Project as well as the Taxpayer Accountability, Compliance, and Transparency Unit, and rescinds Executive Order 09-12	March 31, 2009	34 MoReg 828
09-16	Directs the Department of Corrections to lead a permanent, interagency steering team for the Missouri Reentry Process	March 26, 2009	34 MoReg 826
09-15	Expands the Missouri Automotive Jobs Task Force to consist of 18 members	March 24, 2009	34 MoReg 824
09-14	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	March 5, 2009	34 MoReg 761
09-13	Extends Executive Order 09-04 and Executive Order 09-07 through March 31, 2009	February 25, 2009	34 MoReg 657
09-12	Creates and establishes the Transform Missouri Initiative	February 20, 2009	34 MoReg 655
09-11	Orders the Department of Health and Senior Services and the Department of Social Services to transfer the Blindness Education, Screening and Treatment Program (BEST) to the Department of Social Services	February 4, 2009	34 MoReg 590
09-10	Orders the Department of Elementary and Secondary Education and the Department of Economic Development to transfer the Missouri Customized Training Program to the Department of Economic Development	February 4, 2009	34 MoReg 588
09-09	Transfers the various scholarship programs under the Departments of Agriculture, Elementary and Secondary Education, Higher Education, and Natural Resources to the Department of Higher Education	February 4, 2009	34 MoReg 585
09-08	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	February 2, 2009	34 MoReg 366
09-07	Gives the director of the Missouri Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on January 26	January 30, 2009	34 MoReg 364
09-06	Activates the state militia in response to the aftermath of severe storms that began on January 26	January 28, 2009	34 MoReg 362
09-05	Establishes a Complete Count Committee for the 2010 Census	January 27, 2009	34 MoReg 359
09-04	Declares a state of emergency and activates the Missouri State Emergency Operations Plan	January 26, 2009	34 MoReg 357
09-03	Directs the Missouri Department of Economic Development, working with the Missouri Development Finance Board, to create a pool of funds designated for low-interest and no-interest direct loans for small business	January 13, 2009	34 MoReg 281
09-02	Creates the Economic Stimulus Coordination Council	January 13, 2009	34 MoReg 279
09-01	Creates the Missouri Automotive Jobs Task Force	January 13, 2009	34 MoReg 277

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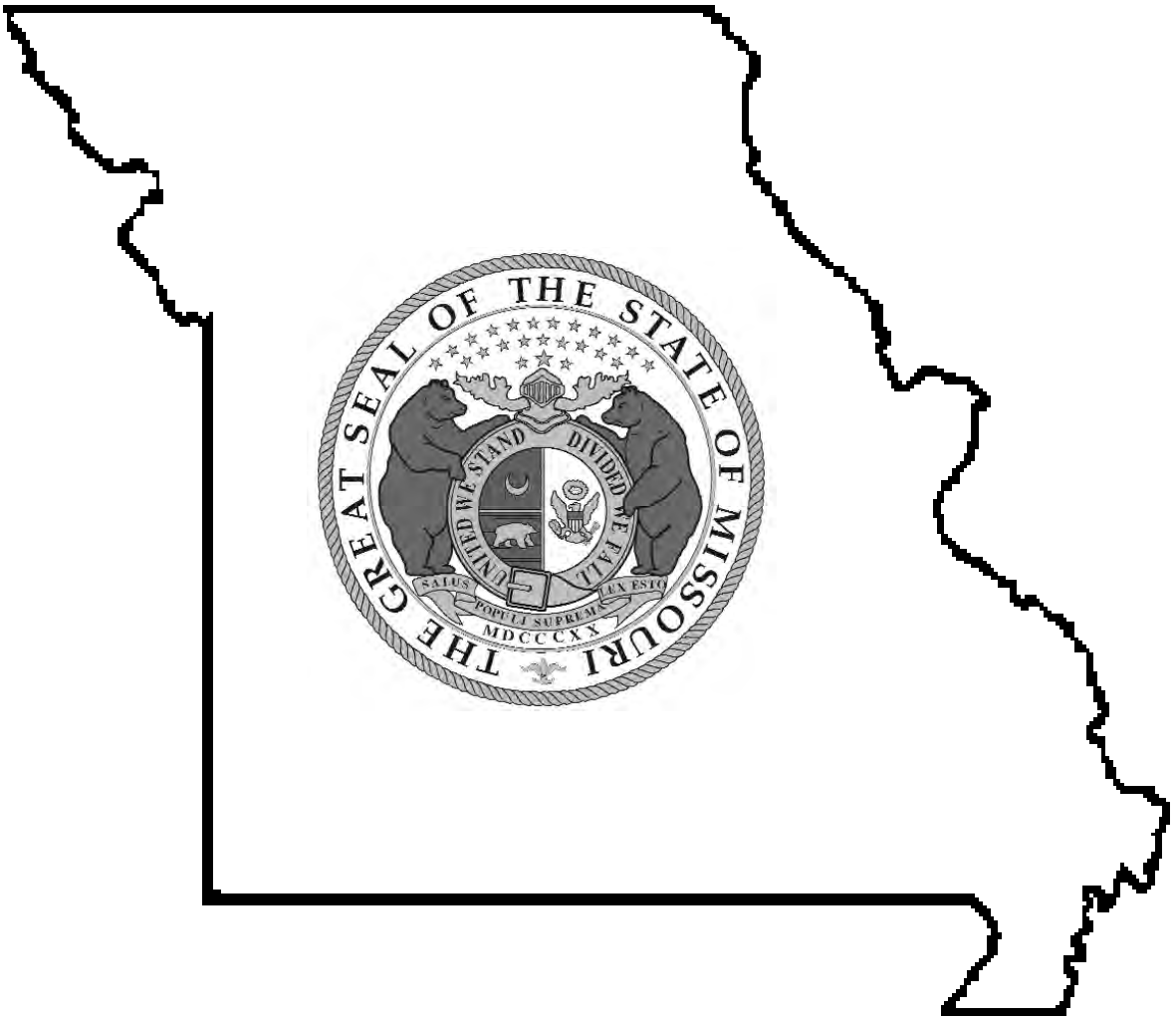

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